

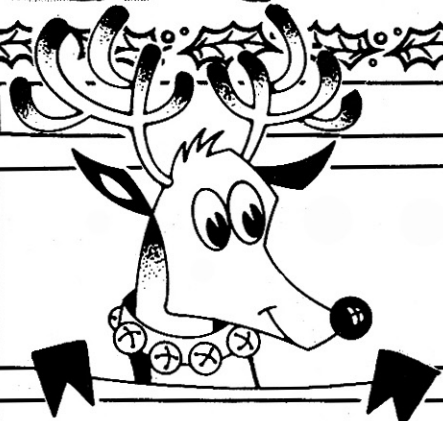
# HOW·NI·KAN

## PEOPLE OF THE FIRE



Citizen Band Potawatomi Tribe

Vol. 9, No. 10



*Happy New Year  
to you and yours*



*Can you identify this  
1987 pow wow participant?*

## Inspector General's office auditing Potawatomi Tribe

Representatives of the Inspector General's office are currently auditing Citizen Band Potawatomi tribal programs and enterprises.

Investigators have refused to identify the scope of their investigation. Based on the records being reviewed, however, they are apparently pursuing allegations by the "Potawatomi of Oklahoma for Better Tribal Government" made during the 1987 tribal election campaign.

An article in The Sunday Oklahoman of December 6th reported that at least five current or former employees of the Potawatomi Tribal Store had been called to testify before a federal grand jury apparently probing the methodology used by the store for reimbursement of cigarette company coupons.

Last month Doris Goodin,

former assistant manager at the store, told tribal attorneys that cigarette rebate checks were cashed but not entered on the cash register. Pending receipt of the I.G.'s investigative report and analysis of it by the tribe, the store manager was suspended. Goodin was also suspended from her position as director of the tribe's Women, Infants and Childrens Feeding Program (WIC) after she admitted she had falsified documents at the tribal store to cover alleged thefts. Further investigation revealed that Goodin was charged twice with misapplication of funds during her tenure as director of Pottawatomie County's CETA Program - and was the subject of an editorial in The Daily Oklahoman chastising federal

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## Drive Honoring Father Joe dedicated

Father Joe Murphy Drive officially opened last month with a dedication ceremony and reception held November 6th. Pictured above: Father Joe and Tribal Chairman John Barrett stand next to the street sign located inside the Potawatomi Elderly Housing Complex. Another sign stands at the street's intersection with Gordon Cooper Drive. Father Joe's book on the founding of Sacred Heart Mission will be available after January 12, 1988 at the tribal museum.





# POTAWATOMI SCRAPBOOK

## Potawatomi in Illinois

(Submitted by Florence DeLorme, Seminole, Florida and reprinted from the Times Republic in Watseka, Ill.)

Today, it is hard to imagine Watseka and the surrounding communities which comprise Iroquois County as being anything other than well-tended small communities and villages surrounded by some of the richest farmland in the country.

About 165 years ago the area was teeming with wildlife. It met all the criteria for a wilderness.

The land was swampy in many of the lowland areas. In other areas, the prairie grass grew tall and tough providing ground cover for many of the small animals which thrived there. Scattered everywhere were large areas of timber.

It was not only the wildlife which called this land home. The area had been settled as early as 1795 when, following the Treaty of Greenville, the Pottawatomi Indians notified the Miami Indians they intended to settle upon the Wabash River. According to historians, the Pottawatomi decided to migrate to this area because they were tired of eating fish and wanted meat.

The Miami Indians were already living along the Wabash when the Pottawatomi arrived. The Pottawatomi bore down upon the Miami and occupied a large portion of their territory. By sheer force of numbers rather than by force of arms, they established numerous villages upon the north and west banks of the Wabash and its tributaries which flowed in from that side of the stream above the Vermilion.

The Pottawatomi joined with the Sacs, Foxes and Kickapoos, drove the Illinois Indians into the villages about Kaskaskia and portioned the conquered territory among themselves. Although the other tribes referred to them as squatters and chastised them for taking over the land which had belonged to others, the Pottawatomi were determined to call this land home.

From the Wabash many of the bands of Pottawatomi migrated to the Illinois country and settled in villages upon the Kankakee and Illinois rivers. Minemaung or Yellow Head's village was a few miles north of Momence at a point of timber still known by many as Yellow head Point. She-mar-gar (She-mor-gar) or the Soldier's Village was located at the mouth of Soldier Creek which runs through Kankakee. The village of

Little Rock or Shaw-was-nass-see was located at the mouth of Rock Creek a few miles below Kankakee. Further down the Illinois River was the village of Como (also called Gumo and Gumbo) at the upper end of Peoria Lake.

In 1823, the hunting grounds of the Pottawatomi Indians were extensive. They were bounded on the north by the St. Joseph River which, on the east side of Lake Michigan, separated them from the Ottawas and the Milwaukee which, on the west side of the lake, divided them from the Menomonees. They spread to the south along the Illinois River about 200 miles. To the west their grounds extended as far as Rock River and the Mequin or Spoon River of the Illinois. They seldom passed beyond the Wabash to the east.

Once they had settled in the Valley of the Wabash, it was mutually agreed by the Miami, Pottawatomi and Kickapoos to use the Wabash River as a dividing line. The Pottawatomi and Kickapoos occupied the west side of the river. The Miami remained undisturbed on the east or south side of the stream.

The Indians in this area hunted on the Iroquois and its tributaries during October and November. They traveled south on the Vermilion, Okaw, Embarrass and Wabash rivers. Otter, bear, mink, deer, beaver, raccoon, muskrat and panther were plentiful. In the spring they returned.

It was into this area the American Fur Company sent one of its clerks, Gurdon Saltonstall Hubbard. Hubbard left the company's Mackinac Island headquarters with a trading party in the summer of 1822 to settle in the country of the Iroquois River and establish trading posts there. The location where he was to settle was chosen to provide competition to a rival fur trader, Isadore Chabert. Chabert was employed by the Ewing Fur Trading Company of Fort Wayne. Chabert's post was located on the Iroquois River opposite the present village of Iroquois (Bunkum).

Thus began the initial settlement of this area by the white man. Within 11 years, the county of Iroquois would be established by an act of the Illinois legislature, and it would include its present area plus all of Kankakee County and the south half of Will County.

It was the beginning of the end of the wilderness.

## Missouri Missions

The following is reprinted from "Missouri Missions," Newberry Library, Chicago, and is an extract from a letter of Father De Smedt, missionary among the Potawatomi Indians, 1838.

The day that the boat stopped for the purpose of taking in a supply of wood, I went to a considerable distance from the bank; in my excursion I met with an old man, ninety years of age, who at my approach stopped short and looked at me with an expression of astonishment mixed with joy. Judging from my dress that I was a priest, when I had confirmed his impression, he exclaimed, "Ah! my Father, I am a Catholic; it is a great many years since I had the pleasure of seeing a priest; I desired it so ardently before dying! Assist me, then, in my reconciliation with God!" I hastened to satisfy his desire, and we both shed tears in abundance. He accompanied me back to the boat; I took leave of this excellent old man with sentiments which it is impossible to describe.

In the conversion of an Indian nation there are a great many difficulties to be overcome, the chief of which arise from an excessive use of ardent spirits, from polygamy, superstitious practices, a language of which it is very difficult to acquire a competent knowledge, a disposition to a wandering life (which is so strong with them that they become melancholy if they remain three months in the same place); their conversion must be, therefore, entirely the work of God. This portion of the vineyard of the Divine Master requires, on the part of those who propose to labor in it, a life of crosses and privation; we hope, however, that, supported by Divine grace, and assisted by your prayers and those of our brethren, the Lord will graciously vouchsafe to grant some success to our feeble efforts. For the last four months the result of our exertions has been truly consoling; a considerable number of savages manifest a desire to be instructed. We have opened a school, but in consequence of the limited size of our hut we can receive only thirty children; twice a day we give instructions to those whom we are preparing for baptism. We have already admitted one hundred and eighteen, of which number I had the consolation to baptize one hundred and five. The festival of the Assumption of the Blessed Virgin will be long remembered by the Pottawatomi; the church in which Divine service was celebrated is, perhaps, the poorest in the world; but twelve young neophytes, who, three months previously, had no knowledge of the law of God, sang mass in the most edifying manner. Father Verreydt preached on the devotion to the Blessed Virgin; I afterwards gave an instruction on the necessity, and the ceremonies, of Baptism; and conferred that sacrament on twenty adults, among whom was the wife of the chief.

This woman is full of charity and zeal, and is much esteemed amongst her nation; her conversion, I trust, will be the means of bringing many others to the knowledge of our holy religion. After mass I blessed four marriages, and, in the evening, visited one of the newly converted families, where I found our little congregation assembled to return thanks to the Almighty for the signal favors which they had received from him on that day. Those poor people are now going through the country, endeavoring to prevail on their relatives to receive instruction, and share in the happiness which they enjoy. Many women, whose pagan relations were unwilling to come for us, crawled, in their sickness, a distance of two or three leagues, to receive baptism from us before their death. I might add many other admirable traits concerning our new converts, but the recital of them would carry me too far.

The Pottawatomi are divided into two tribes - those of the forests, among whom are many Catholics, and those of the prairies, who have never had any priests amongst them. The latter form a mixed nation, composed of Pottawatomi, Winnebagoes, Toxas, Chippewas, Sauks, Ottewas, Menomonees, and Kickapoos; they amount to more than three thousand; it is amongst them we have opened our mission, under the protection of the Blessed Virgin and St. Joseph. At the commencement of the war of independence, they separated from their brethren of the forests, some taking part with the English, and others fighting for the republic. The Pottawatomi having sold their lands in Illinois and Indiana in 1836, received in exchange from the government, five millions of acres on the Missouri, towards the 41st and 42d degrees of north latitude. The climate of the country is extremely changeable; heavy rains, accompanied with thunder and lightning, are frequent in the months of June and July. The winter is not so long as in Belgium, but the cold is much more piercing, and the heat in summer much more oppressive. The country is in general interspersed with forests and beautiful plains, and is watered throughout by the Missouri. It is also traversed by three other rivers, the Neeshnebatana, the Musquito and the Boyer. The Pottawatomi are of a gentle and tractable disposition, and are not deficient either in courage or understanding; they recognize no rank or dignity; the only revenue the chief can claim is what he derives from his lance, his arrows, and his carbine; his steed is his throne. He promulgates the law, and, when he can, enforces its observance; he



must be more courageous than his subjects; the first in battle, he must be the last to quit the field, whilst in the partition of the spoils he receives only a share equal to the others. The savages are generally capable of supporting a very interesting conversation on subjects which come within the range of their knowledge; they are fond of raillery, but are never disputatious or angry in their conversations; when any matter of importance is under consideration they reflect a few moments before giving their opinion, or even defer it until the following day. In their language they have no word to blaspheme the name of the Lord, their most offensive term being that of "dog." The profound peace in which they live together, arises, in a great measure, from each being allowed to do what he likes; years frequently pass without a quarrel occurring amongst them, but when intoxicated (and at this time a considerable quantity of spirits is brought amongst them) all their good qualities disappear, and they preserve no longer even the semblance of men; their shrieks and howlings are horrifying; they throw themselves on one another, bite each other's noses and ears, and disfigure themselves in a most shocking manner. Since our arrival amongst them four Ottos and three Pottowatomies have been killed in those drunken brawls.

Whoever has committed a murder is put to death by the relatives of the victim, unless he redeem his own body, by paying a fine in horses, clothes, etc, etc, etc. If he presents himself before them to expiate his crime, and no one has the sad courage to inflict the fatal stroke (a circumstance which often happens,) he is thus cleansed of the murder, and is not obliged to pay any fine. One of our neighbors, having assassinated his wife, got off by giving a horse to each of her brothers. The murderer, for some time beforehand, paints his face black and his lips red, to show that he thirsts for blood and must be gratified.

When the husband or the wife dies, the survivor pays the parents of the deceased the debt of the body, in silver or in horses, according to his means; he who neglects to pay this debt is in danger of having everything belonging to him destroyed. The wife is obliged to be a year in mourning for her husband; that is, she can neither comb nor wash herself; however, when eaten with vermin, a relative of the deceased may, out of compassions, render her that service.

During an entire year the Pottowatomie feeds the soul of his deceased relative, by throwing a part of his food at each meal into the fire, under the impression that the soul is thereby comforted and strengthened. The Ottos, who are next neighbors, usually strangle one or two of their best horses over the grave of their comrade, that he may ride on them in his great journey to the other world. Heaven, according to their notion, is an immense prairie, beyond the setting sun, where there is an eternal spring, and where there is found every species of plant and every kind of animal fit for the chase.

When a chief, or any distinguished warrior of the nation is buried, all the warriors who have taken a trophy from the enemy, assemble to render him the last honors. They accompany the coffin to the place of burial, when one of their principal orators pronounces the funeral oration. He recalls to mind all the good qualities of the deceased, the most remarkable actions of his life, the enemies whom his battle-axe has laid low, the scalps he has won, and the wild beasts he has killed. They then place him in the grave, his face turned to the setting sun, with his carbine, his lance, his bow and arrow by his side; they fill his powder-horn and shot-bag, which, together with his pipe, a good stock of tobacco and some provisions (such as sugar, dried meat, maize, etc.) they put into the grave with him for his journey to the region of souls. All wish him a happy journey, and shake hands with him for the last time when the grave closes. They then plant before it the stake of the brave; on the summit a red animal, or dodeme, is painted - the guardian spirit of the deceased; it is besides notched by the assistants with many red crosses, by which it is intended to represent the names of the enemies killed by them in battle, and whom they destine to serve as slaves to their companion in the other world. I saw some poles that had as many as eighty or a hundred crosses.

The parents of a child had made a small opening in the grave in which it reposed, to leave it room to pass to the other world; the disconsolate mother spent two days at the grave, in order to ascertain if the object of her tenderness was happy or wretched in the other world. The signs by which she pretended to discover this, were: if she saw a pretty bird or beautiful insect, she augured favorable for her child; but if the first animal she met was a reptile or a bird of prey, she regarded his destiny as wretched. Fortunately the weather happened to be fine at the time, and butterflies and a variety of other beautiful insects were fluttering about in all directions. This poor mother then returned home, consoled as to the fate of her child. Some time after she came to me to receive instructions in our holy religion, and to have her two little daughters baptized.

As soon as an Indian desires to be married, he makes known his wishes by playing on a kind of flute, called the popokwen; he goes about the village painted and dressed, and often serenades before the hut of her whom he

wishes to have as wife. As soon as the young woman consents to marry him; her parents or brothers fix the price; he must give each of them a horse or some other object of value; she is then given over to him. In general, however, parents, without consulting the inclinations of their daughters, sell them to whom they please; and so accustomed are these to this, that they seldom murmur at it. The wife of a savage is no better than a slave. The Indians say, that the Great Spirit, in a council held between him and their ancestors, decided 'that man should protect his wife and hunt wild animals, but that every thing else should be at the charge of the wife;' to this decision they scrupulously adhere. The wife is, therefore, charged with all the domestic concerns; she washes, mends, cooks, and is even obliged to build the huts, cultivate the fields, and hew wood, etc, etc, etc.; hence, at thirty, or thirty-five, she has all the marks of old age. As to the men, with the exception of the time they spend in hunting, they lead a life of idleness; they talk together whilst smoking the pipe, play cards, or hide the ball under the slipper, but nothing more.

When a name is to be given to a child, the parents give a great feast; they send to each of their guests a piece of tobacco leaf, or a little rod, such being the manner in which they invite each other. After the repast the oldest of the family announces the name to be given to the child, which has generally a reference to some distinctive mark of the child, to some dream he has had, or to some good or bad trait of character which has been noticed in him. This ceremony takes place for boys when they have attained their seventeenth year; they must previously go through a severe fast of seven or eight days, during which the parents recommend them to be particularly attentive to the dreams which the Great Spirit may send them, and which are to reveal their future destinies; thus he is to be a great chief, or warrior, according to the number of animals he may kill, or of scalps he may win from the enemy in his dreams. The animal which he may dream of becomes his dodeme, and during the remainder of his life he must bear the mark of it upon him, in the form either of a claw, a tooth, a tail, or a feather.

The false priests of the Indians belong to a particular caste, known by the name of great medicine. Each of them is furnished with a large bag, in which are some roots and medicinal plants, to which they render a kind of worship. They make a profound secret of their religious belief, and are very slow in admitting disciples. On the occasions when they meet together, they dance and sing a great deal. There is one very remarkable circumstance which I have heard from many persons who have witnessed it; it is that they discontinue their superstitious practices when any person baptized, bearing the mark of his religion, as a cross for instance, passes near the place of their meeting. An aged female, whom I have at present under instruction, and who for a long time belonged to the great medicine, was threatened with death if she became a Christian; this threat has not, however, shaken her resolution, strengthened as it is by the example of her husband and six children, who were baptized by me. The chiefs of this sect are much dreaded by the savages; they persuade them that they can assume at will the form of a serpent, or wolf, or any other animal; that they can foretell future events, and discover the authors of a murder or robbery. Their knowledge of the simple medicines enables them often to effect extraordinary cures. When they have administered medicine to the sick, they shout in the most frightful manner, pretend, with long pipes, to suck out the disease from the body, and dance round the sick, making at the same time the most ridiculous grimaces.

Their songs have reference, almost invariably, to their religious opinions, and are often addressed to Na-na-bush, or the friend of man, the nephew of the human race. They pray him to be their interpreter, by presenting their prayers to the Master of Life. Their songs are also often consecrated to Me-suk-kum-mik-okwi, that is to the earth, the great-great-mother of mankind. In those songs they relate how Na-na-bush created the earth, by the command of the Great Spirit, and how the great-great-mother received orders to provide for the wants of the uncles and aunts of Na-na-bush, by which expression they intend to signify men and women. Na-na-bush, the benevolent mediator between mankind and the Great Spirit, obtained from the latter the creation of animals, to furnish food and clothing for man. He also procured for man medicinal roots and plants, to enable him to cure all diseases, and kill animals at the chase. All those things were entrusted to Me-suk-kum-mik-okwi, and in order that the uncles and aunts of Na-na-bush might never invoke him in vain, the latter begged Me-suk-kum-okwi to remain always in a hut; hence, whenever a savage gathers any medicinal herbs, he buries a portion of them in the ground as an offering to Me-suk-kum-mik-okwi.

All those songs are engraved on the bark of the birch, or on flat pieces of wood, the ideas being represented by emblematical figures.

Amongst the Pottowatomies there prevails a tradition, that there is a woman in the moon, who is always employed in making a large basket. If she succeed in finishing her work, the world is to be destroyed; but a large

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# Scrapbook *from page 3*

dog is continually watching her, and destroys her work when it is on the point of being finished. The struggle between the woman and the dog takes place at each eclipse of the moon. They believe that the black spot observed on the surface of the moon is the large dog.

They are persuaded that the thunder is the voice of living beings, which are thought by some to have the form of men, and by others to resemble birds. Every time they hear thunder, they burn some tobacco, which they offer as a sacrifice to it. I doubt whether they are acquainted with the connection which exists between the thunder and the lightning which precedes it.

There is a very singular tradition, which I have learned from the chief of the nation; it prevails amongst all the tribes of Illini, or the States of Illinois, Indiana, and Ohio. In ascending the Mississippi beyond St. Louis, between Alton and the mouth of the Illinois, the traveller discovers, between two large hills, a narrow passage where a little stream flows into the river. This stream is called in the language of the natives Piasa or the bird which devours man. In this spot there is remarked, on a perpendicular rock, the figure of an enormous sized bird, carved in the rock itself, with its wings extended. The bird which this figure represents and which has given name to the stream, is called by the Indians Piasa. They say that many thousand moons (months) before the arrival of the white men, when the great mammoth, or mastodon, who was destroyed by Na-na-bush, and whose bones are found even to this day, was devouring the grass of their immense and verdant prairies, there existed a bird of such monstrous size, that it used to seize a stag in its claws with the greatest facility. This bird having once tasted human flesh, could never after be satisfied with any other prey. Once it seized upon an Indian, and carried him away into one of the caverns of the rock, where it devoured him. In vain did hundreds of warriors endeavor to destroy this monster; for many years whole villages were desolated by it, and terror spread throughout the tribes of the Illini. At length a warrior chief named Outaga, whose fame extended beyond the great lakes, retired from the rest of his tribe, fasted in solitude during the space of a moon, and prayed the Great Spirit, the master of life, to deliver his children from the ravages of Piasa. The last night he fasted, the Great Spirit appeared in a dream to Outaga, told him to select twenty warriors, each armed with a bow and poisoned arrow, and to place them in ambush in a certain spot. A single warrior was to show himself and become the victim of Piasa, who was to be shot at by the others the moment he was about to dart on his prey. On awaking, the chief related the dream to his tribe, and selected without delay the designated number of warriors, whom he placed in concealment, and offered himself as a victim to save his nation. Placed on a eminence, he saw Piasa perched upon a rock, and, with his hand upon his heart, intoned with a firm voice the warrior's death song. Piasa soon discovered his prey, and darted upon the chief. Every bow was bent and sent forth its arrow, which entered the body of the monster; it fell dead at the feet of Outaga, who, in recompense of his generous self-devotion, had an invisible shield suspended over his head by the Master of Life. In memory of this event, the image of Piasa was carved on the rock. Such is the Indian tradition as I received it. What is certain of the matter is, that the figure of an enormous bird is seen on the rock at a considerable height. No savage ever passes this spot in his canoe without firing at the figure, and innumerable are the marks which the balls have left on the rock. In the caverns around the Piasa, the bones of many thousand men are heaped together; how and why they were brought there it is not easy to divine.

The Punis-Loups, who are only three days' distance from us, and whom we hope to be able shortly to visit, offered a horrible sacrifice a few months ago, in the person of a female Sciouse, only fifteen years of age, whom they had made prisoner. They fattened her up to the time when they were to sow their fields. On the 22nd of last April, she was summoned to appear before the whole nation; she was not aware that she was to be the victim of the sacrifice they were preparing to make. She was escorted by more than a hundred warriors, who kept their bows and arrows concealed under their clothes. She was led from hut to hut to receive a small log, which she handed to the nearest warrior, by whom it was given to another, until each was provided with one. Thus furnished, they marched in silence to the place destined for the sacrifice; each laid down his log, and fire was set to the heap; two bars were then fastened over the fire. Perceiving at length the fate that awaited her, the unfortunate victim threw herself, all trembling and in tears, at their feet, and in the most piteous manner implored their mercy. A merchant from St. Louis, who happened to be present, offered a considerable sum for her ransom, but could not prevail on them to change their determination; they tied her feet to the bars, and her hands to the two trees, so that she was suspended in the form of a cross; her body was painted half in red and half in black. When these preparations were completed, her feet and hands were burned with lighted brands, whilst her tormentors set up a horrible cry, called Sas-sah-kwi, or war cry. At this shout, mixed with an expression of ferocious joy, each let fly his arrow at the body of the unfortunate victim. The chief then twisted the arrows and plucked them out of the body, tore out her heart and devoured it; he afterwards literally made a hash of the remains of the victim, with which he rubbed the maize,

potatoes, and other seed which was intended to be sown. They are persuaded that such a sacrifice is agreeable to the Great Spirit, that it will impart fertility to their fields, and procure them an abundant harvest. I have learned those particulars from four persons who were eye witnesses to this shocking scene.

Three chiefs of this nation came to visit us, and lodged in our huts. They took notice of the sign of the cross which we made before and after our meals; upon their return home, they taught every one in their village to make the same sign, as something agreeable to the Great Spirit; through an interpreter they invited us to visit them. Though the government had sent them a Protestant minister, they would have nothing to do with him. The use of spirituous liquors is forbidden in this tribe. When they are offered any, they answer that they are already fools enough without being made more so by drunkenness. They have also a very singular custom; they eat each other's vermin, and render the same service to those who visit them. The Panis are about ten thousand.

"The Protestant minister of the Omakas, a tribe of about two thousand souls, has been also obliged to depart. Two of their chiefs, Kaiggechinke and Ohio, with forty warriors, came to dance the calumet, or dance of friendship, before us. This dance is well worth seeing; but it is impossible to give a correct idea of it; they shout and strike their mouth with their hands, whilst at the same time they jump in every possible manner, sometimes on one foot, sometimes on another, turning to the right and then to the left without any regularity in their movements, but keeping perfect time to the sound of a drum. They all manifest the greatest affection for us, and have invited us to smoke the calumet with them. I showed our chapel to the chiefs, who appeared to feel an interest in the explanation I gave them of the cross, and the images of the passion of our Lord. They earnestly begged me to visit them for the purpose of baptising their children, and made me a present of a castor's (beaver) skin to serve as a tobacco bag. I gave them in return some beads for their children, and a handsome brass cross for each of themselves; they received it with gratitude, and kissing it respectfully put it around their neck. The tribe is only a hundred miles from Council Bluffs.

According to a recent arrangement of the government, the new Indian Territory will have for boundary the Red River to the South, the State of Arkansas, that of the Missouri and the river of the same name, to the East. This territory now contains the following nations: Punchas, Dourvas, Ottoes, Kanzas, Osages, Kicapooos, Pottowatomies, Delawares, Shawanees, Weas, Piankashaws, Peorias, Kaskaskias, Ottawas, Senecas, Saucs, Quapaws, Creeks, Cherokees, and the Choctaws. They amount to about a hundred thousand, the sad remnants of nations formerly powerful. When the new world was first visited by Europeans, the islands and coasts were extremely populous; but many tribes that were then flourishing have disappeared from the face of the earth: many of their names are now not even known. In proportion as the white men extended their dominion in the East, the savages retired to the West, leaving after them sad monuments of their misfortunes and decay. Today a hundred thousand of them are driven towards the vast and uninhabited prairie; the chase can no longer suffice for their subsistence, and they are not accustomed to manual labour; serious apprehensions must then be entertained as to their fate. Ah! if our number were more considerable and our resources greater, now is perhaps the moment to effect permanent good amongst them, and prevent their total extinction. There are besides many other nations on this side of the Rocky Mountains, and beyond them, to the number of many thousand; many of those tribes have invited us to settle amongst them. I should say that almost all the nations of North America manifest a decided predilection for Catholic missionaries, notwithstanding the millions of dollars which the Protestant societies expend for those poor people; for, in reality, all this money only goes to enrich the missionaries with their wives and children, who always accompany them.

Bears are often met with in our neighbourhood, but unless attacked at first, they rarely turn upon any one. The wolves come often to our very doors, and lately took away all our poultry; they are of two kinds, the wolves of the prairie, which are small and timid, and the black wolves of the mountain, which are large and dangerous. We are, therefore, obliged to be on our guard against those bad neighbours, and never to go out without being provided with a large knife or a sword-cane. There are also found here serpents of different kinds, and mice in such quantities as to eat up the little fruit we have. Insects, but especially butterflies, are in great numbers and variety; there is one which is of every color and of an enormous size, being at least eight inches long. We have also myriads of mosquitos that allow us no rest, night or day.

I should like to give you some idea of the architecture of an Indian village: it is as whimsical as their dance. Imagine then a large number of huts and tents, made of the bark of trees, buffalo skins, coarse canvass, mats, green sods of all sizes and forms, some supported on one pole, others on six, and all of the most sorry appearance, imagine them ornamented in every possible manner and in every possible design, scattered here and there in the greatest confusion, and you will have an Indian village.



# For your information

## OU recruiting engineering students

To identify, recruit and retain minority students in engineering, the University of Oklahoma College of Engineering Minority Programs has received a \$149,957 grant from the ARCO Foundation.

OU is the only institution in the state and one of 16 universities and colleges throughout the nation awarded grants from the foundation.

Ken J. Haigler, vice president of employee relations for the ARCO Oil and Gas Co., made the grant presentation to Billy Crynes, OU engineering dean, and Wayne Steen, director of Minority Engineering Programs.

"The timing of this grant could not be better for our program," Steen said. "The effort to increase minorities in engineering is a long-term priority of the College of Engineering, and the results of this effort will significantly affect the future of not only individual schools but the nation as a whole. Estimates are being made that the college-age population will reach one-third minority during the decade of the nineties, making the recruitment and retention of minorities in engineering extremely important."

"If the United States is to have a well-trained supply of people to meet the technological needs of the future, then many of those people must be minorities," Steen continued.

Oklahoma, according to the last census, has the second largest American Indian population in the country after the state of California.

"This population of American Indians has allowed and will allow our program to have a very valuable component, which is called FATE - First Americans-Tomorrow's Engineers - on which to build," Steen said. "This American Indian component allows OU to have significant student populations in the three under-represented ethnic groups of blacks, Hispanics and American Indians in engineering."

Seven students of one-quarter or more American Indian blood were graduated from OU with engineering degrees in 1982-83, he said, which is believed to be a record for American Indian engineering graduates from any one university in any one year.

Steen said the ARCO grant will be used first to identify then recruit "every minority high school student in the state who has the interest and ability to consider engineering as his or her future career."

"Second, we want to implement a freshman retention component,

which is designed to significantly improve the retention of first-year college students," he said.

The ARCO Foundation awarded a total of \$709,000, most of which was earmarked for undergraduate engineering programs. The funds will be used to hire counselors, recruitment specialists, tutors, and workshop organizers, and for development of minority retention programs.

Among the 22 criteria used by the ARCO Foundation in evaluating the engineering grant proposals were the strength of existing minority student programs, percent of minority engineering enrollment and minority graduates, percent of minority engineering degrees, and the academic disciplines being considered for support.

## Jr. Miss contest open now

Girls of Indian descent between the ages of 13 and 17 years, who reside in the State of Oklahoma are now eligible to enter the 1988 Jr. Miss Indian Oklahoma contest. The contest is sponsored by the Oklahoma Federation of Indian Women. For more information, contact Leslie Barichello, Coordinator, or Jo Grove, Assistant Coordinator, 4936 Woodland Drive, Oklahoma City, OK. 73105.

## UC Berkeley offers graduate degrees

The University of California at Berkeley is seeking American Indians and Alaska Natives to apply for admission to graduate programs in professions which include: social welfare, public health, engineering, business administration, education, public policy, law and many others.

There are many degree programs which lead to satisfying, well-paid and useful positions, according to Dr. Rick St. Germaine, director of the American Indian Graduate Program at the University.

There is a shortage in academic fields and extreme need for American Indians to teach in colleges and universities. Indian people interested in art, botany, history, languages, ethnic studies, music, political science and many other areas are urged to consider careers as academicians, bringing their cultural awareness into the classroom at the college or university level.

The University of California at Berkeley has a history of involvement with American Indian students, with many enrolled in different graduate degree programs. There have been 191 Indian

and Alaska Native students who have graduated or have been enrolled through the Berkeley program.

American Indians and Alaska Natives are eligible to apply for Graduate Minority Program Fellowships, which range from \$5,000-\$7,000, plus payment of (non-resident) tuition and fees.

February 10, 1988 is the deadline for submission of application for the Fall 1988 semester, however, if one is interested in applying for a GMP Fellowship, an application must be submitted by January 5, 1988.

For further information, call Dr. St. Germaine collect (415) 642-3228 or write to the American Indian Graduate Program, 140 Earl Warren Hall, University of California, Berkeley, California 94720

## Anadarko exhibit scheduled

The Southern Plains Indian Museum and Crafts Center in Anadarko, Ok., will present "Moontime: The Cycles of Life by Shan Goshorn" through December, according to the Indian Arts and Crafts Board. A four page, illustrated brochure of the exhibit is available upon request. For more information, call the museum at (405) 247-6221.

## Cultural use of park resources

The Native American Relationships Policy of the National Park Service, published Sept. 22 in the Federal Register, spells out the agency's policy on permitting Native Americans to use parks for religious and other cultural activities.

The National Park System contains many areas and resources that Native Americans historically have used in cultural activities. The new policy provides guidance to park service personnel whose management actions affect Native Americans.

"The National Park Service shall develop and execute its programs in a manner that reflects knowledge of and respect for the cultures, including religious and subsistence traditions, of Native American tribes and groups," according to the policy. For more information contact: M. Crespi, National Park Service, Dept. of Interior, PO Box 37127, Washington DC, 20013-7127

## Notice

Anyone living within the jurisdiction of the Citizen Band Potawatomi Tribe over eighteen years of age is eligible to register

for the Court Clerk's Jury Selection Roll for tribal court jury service. Potential jurists should contact Potawatomi Tribal Court Clerk Joie White at (405) 275-3121 and provide their name, address, birthdate and other pertinent information.

## Sovereignty threat outlined by chairman

(The following is reprinted from Vol. 15, No. 2 of *Americans Before Columbus*)

The need to protect tribal sovereignty was the principal theme of a talk given by Roger Jourdain, chairman of the Red Lake Band of Chippewa Indians in Minnesota at the National Tribal Chairmen's Association annual meeting in June. The following is an excerpt:

"The threat to the sovereignty of American Indian Tribes is one of the most critical issues that we face today. In addition to the ever increasing difficulty of dealing with economic survival, the maintenance of cultural traditions, languages, customs and spiritual existence that all tribes have faced for centuries, the constant erosion of the sovereign rights of American Indian tribes poses a threat to our very existence as a separate and distinct people. Indian tribes have survived since the creation because we have always understood and respected our own sovereignty and because we have fought to protect it in war, in court and in the Congress. We stand here today ready and fully capable of continuing that fight. We know who we are and we find it difficult to understand why the United States government, which professes to be a government of the people, has so much trouble understanding tribal government which stood for those principles long before Thomas Jefferson wrote them down."

## An Indian Version Of The 23rd Psalm

The Great Father above a shepherd Chief is. I am His and with Him I want not. He throws out to me a rope and the name of the rope is love and He draws me to where the grass is green and the water is not dangerous and I eat and lie down and am satisfied. Sometime, it may be very soon, it may be a long long time, He will draw me into a valley. It is dark there, but I'll be afraid not, for it is in between the mountains that the Shepherd Christ will meet me and the hunger that I have in my heart all through this life will be satisfied.



# Fraud in Indian Country ...

*The following is reprinted from the Oct. 4th issue of the Arizona Republic. A 13 part Republic series on corruption in Indian Country has become the basis of a congressional inquiry into activities of the BIA.*

Alan Moyer, managing editor of Arizona Republic says, "Over the past 200 years, the United States government has made hundreds of treaties with Indian tribes across this country, which, in essence, moved them to isolated reservations in return for promises to provide for their well being.

The U.S. government has spent billions of taxpayers' dollars earmarked to keep those promises. Some \$3 billion was appropriated in 1987 alone. But despite such enormous expenditures, most of the nation's 1.4 million Native Americans are living without adequate housing, education, health care or safety from criminals and profiteers.

It is a billion dollar betrayal of trust of the Indians and the American taxpayers. A generally disinterested Congress and thousands of bureaucrats have succeeded only in funding mammoth, intractable and unmanageable bureaucracy which does not significantly improve life for the Indians, but ironically works against their best interests in order to justify its continued existence.

The Arizona Republic's investigative team spent six months and traveled thousands of miles to put together this special news report, "Fraud in Indian Country: A Billion Dollar Betrayal."

This compelling and shocking story is important not only because our government's failures have perpetuated human misery and despair, but also because so many taxpayers dollars intended to alleviate those problems have been wasted and misspent.

The Arizona Republic published an eight-day investigative series on massive fraud and waste in America's Indian programs. This installment explains how badly managed federal programs burden taxpayers and fail to serve Indians. Subsequent stories detail incompetence, deceit and corruption in federal programs for education, housing, crime and economic development. "Fraud in Indian Country: A Billion-Dollar Betrayal" is a 30 story package showing how tax dollars have fed an intractable and poorly managed bureaucracy while needy Indians have suffered. Reprints of the series are available for \$2.50 each, including postage and handling. Requests should be made to: The Arizona Republic, Fraud in Indian country Series, P.O. Box 1950, Phoenix, AZ 85001.

## ***Honor system license to loot - U.S. fails to protect oil on Indian, federal lands***

Investigative reporters: Mike Masterson, Chuck Cook, M.N. Trahant, Andy Hall and Mark Shaffer, John Doherty

Oil companies have looted billions of dollars worth of oil and gas from Indian and federal lands, sometimes aided by negligent or corrupt government officials, The Arizona Republic has found.

A six-month investigation by the newspaper uncovered a story of government failures to carry out its responsibilities, thefts that some estimate amount to more than a billion dollars, illegal slush funds and questionably cozy relationships between oil companies and some public officials.

The federal oil and gas program, which is administered by the Bureau of Indian Affairs and two other Interior Department agencies, is so badly managed that it has shortchanged many Indians who have leased lands to oil companies, forcing onto welfare rolls some who own what should be lucrative shares in producing wells.

The program is "a system that totally relies on the good faith and trust of the (oil) producers" and whose potential for fraud is "phenomenal," according to Steven Moore, a Denver-based attorney who works with Indian issues.

Two current federal reports put recent losses at more than \$11 billion, an amount equal to the tax dollars needed to run all BIA programs for more than 10 years.

But no one can put an exact dollar amount on oil and gas frauds wrought on Indian and federal lands.

A 1986 congressional study found that the federal government since 1979 has allowed oil companies to pump millions of barrels of oil from federal and Indian lands through an "honor system" that cost U.S. taxpayers and Indians an estimated \$5.8 billion.

That admittedly flawed honor system allows oil firms to pay the government based on estimated production, because federal agencies have no way to accurately monitor the oil production.

Additionally, The Republic found the Bureau of Land Management, the BIA's sister agency under the Department of Interior, has stood by idly as companies illegally drained \$5.7 billion worth of oil and gas from rich deposits beneath Indian and federal lands.

Not every oil producer is involved in the fraud. But even when honest companies pay for the oil and gas they take, the government's system of collecting royalties and getting that money to Indians or the U.S. Treasury is inept at best.

No federal or oil-company official has been charged with criminal wrongdoing. And there have been only a few criminal probes by the federal government, despite federal documentation of the fraud.

"Resource management has been a horrendous failure for the most part and quite frankly borders on malfeasance of office," said Sen. Dennis DeConcini, D-Ariz. "It's inexcusable."

Many at top echelons in government realize the extent of the mismanagement. But when they have tried to correct the decades-old oil and gas royalty problems, they quickly learned that the bureaucracy at the Interior Department is so ingrained that badly needed reforms are almost impossible.

In isolated cases, The Republic found some BIA officials intentionally may have withheld minerals-royalty payments from poverty-stricken Indians so they could invest the money and divert interest payments into slush funds.

In one instance, Indians in Oklaholma alleged that BIA officials in the Anadarko area diverted \$28 million from individual Indians and tribes into an illegal slush fund maintained under the phony name of "R. L. Larson."

Since 1985, the BIA has tried to prove or disprove that fraud allegation, but it cannot, because records covering several years needed to properly audit that account are missing.

A recent report by the Interior Department's inspector general raises doubt whether the truth will ever be known. The BIA "believes that the cost to search for the missing documentation would be prohibitive," the report said.

This, although the inspector general's office found at least \$634,000 in "inappropriate" transactions involving the R.L. Larson account.

The effects of the mismanagement of the oil and gas program have been devastating to Indians.

The Republic documented many instances around the nation in which Indian lessors had their utilities turned off, cars or pickups repossessed or lost their homes because their lease and royalty payments were mishandled by the BIA and the Minerals Management Service, the third Interior Department agency that oversees the oil and gas program.

The losses to Indians and American taxpayers are staggering. The windfall to oil companies has been placed at more than \$1 billion a year in studies by the Interior Department's inspector general, the General Accounting Office and congressional panels. The GAO is the investigative arm of Congress.

The collection and disbursement of oil and gas royalties is unnecessarily complicated, critics charge.

Oil companies bid competitively through the BIA for rights to drill on Indian and federal lands. The drilling and production are monitored not by the BIA, but by the Bureau of Land Management and the Minerals Management Service.

***...The Bureau of Land Management has stood idly by as companies illegally drained \$5.7 billion worth of oil and gas from rich Indian and federal lands***

Companies pay a percentage of the value of the oil and gas they produce. The royalty payments, based on "estimated production," are made to the minerals service, which in turn disburses the money to the BIA.

The BIA then deposits the money in Individual Indian Money Accounts, from which it is supposed to be disbursed to Indian lessors.

If the oil is from federal public lands, the payments go from the minerals service into the Treasury.

Reports document fraud, waste and mismanagement at every stage of the leasing, royalty-collection and disbursing procedure.

At a recent budget hearing, Interior Department officials bristled at congressional allegations that companies may be illegally taking \$1 billion worth of oil from federal and Indian lands each year.

The figure, according to William C. Bettenberg, director of the Minerals Management Service, was only in the hundreds of millions.

David Deal, managing attorney for the American Petroleum Institute, an oil lobby group, said Bettenberg's figures are "more realistic" than those in repeated federal studies.

"Our position is that we are not grossly underpaying," Deal said, adding that industry experts place underpayments at about 3 percent of the total royalties due to Indians.

That still would put the losses in the tens of millions each year.

BIA Director Ross Swimmer is in a minority who believe the losses are not in the billions.



# ...A billion dollar business

"I would say the actual money issue, it could be millions of dollars," Swimmer said.

However, Rep. Sidney Yates, D-Ill., chairman of the powerful House Interior appropriations subcommittee, sticks by his staff's 1986 study saying the losses since 1979 are in the billions. That report, he said is based on staff research and General Accounting Office findings.

"If you are asking me, 'Do I stand by our report?' The answer is yes," Yates said.

Most of the losses are through underpayments from oil companies that either lie about the amount of oil they take or about its value.

When Interior Department officials were asked during congressional hearings about thefts, they denied the existence of any theft problems.

But congressional investigators found that in the Farmington, N.M., Bureau of Land Management office alone, oil and gas thefts are reported almost daily and that little or no investigation is ever done.

A most recent issue of Washington Monthly singled out the oil and gas management as Washington's worst-run program.

Last year, during congressional hearings, Bettenberg, the Minerals Management Service director, acknowledged, "There's a certain amount of chaos out there."

Since 1955, three task forces, a blue-ribbon panel, numerous consultants and repeated audits by the GAO have warned that the multi-billion dollar oil and gas program was headed for severe problems. Yet Interior Department and BIA officials have ignored the warnings and advice.

"BIA's idea of a hearing is to survive, not to sit down and reason to solve a problem together," said Rep. Mike Synar, D-Okla., head of the House Government Operations Committee.

"They only want to survive."

The federal studies and congressional testimony reveal the Minerals Management Service is recovering less than eight percent of all royalty underpayments for oil and gas on Indians and federal lands.

The minerals agency, in the past four years, has reported recovering \$360 million in underpayments from oil companies. In a recent interview, Bettenberg said this was the only accurate figure regarding the amount lost through underpayments for oil and gas taken from federal and Indians lands.

But congressional investigators in a 1986 report estimated that federal agencies since 1979 had failed to collect \$5.8 billion.

Yates said in a recent interview that neither Bettenberg nor other government officials have provided evidence refuting those figures.

Despite this low collection rate, Bettenberg in 1986 testified before Congress that his agency needed no more auditors to manage the oil and gas accounts.

But Congress, in an unusual move, insisted the agency hire 50 more auditors, based on the premise that their work could bring in at least \$20 million in recovered underpayments.

In a recent interview with The Republic, Bettenberg cited the hiring of those 50 auditors as one of the recent achievements of his agency. He did not say Yates' panel forced his agency to hire them.

Bettenberg acknowledged that until 1984, the government worked primarily with oil companies regarding the oil and gas program.

"There was nobody who was tasked with the job of dealing with recipients (Indians). Nobody. Just nobody," he said.

Although federal officials in the past three years have developed an advocacy system for Indian landowners, it, for the most part, has failed to improve the system.

Bettenberg concedes the oil and gas royalty program does not merit confidence today. But he predicts that "substantial compliance," is "about two years away."

Indian leaders and many in Congress doubt this assessment.

When the BIA assumed trust responsibility for Indians and Indian lands a century ago, mineral rights were not relevant issues.

However, with the discovery of oil and gas and the boom in use of them as fuel for homes and autos, they became major issues.

The Interior Department assigned responsibility for management of the oil and gas on federal lands to a number of its agencies. In effect, no one was in control.

Each of the agencies, such as the U.S. Geological Service, the Bureau of Land Management and the BIA, developed its own agendas.

This disjointed system allowed companies to pump billions of dollars in oil from Indian and federal lands without paying for it or paying less than what the oil was worth. Others just drove trucks up to Indian-owned wells and stold oil and gas.

The system was so bad that by 1981, it had practically collapsed.

In fact, Bettenberg wrote in a 1981 memo to then-Secretary of Interior James Watt:

"Essentially, what we have here is a bankrupt organization, and like all bankrupt organizations, it should be placed in receivership."

Watt then placed the management of federal and Indian oil and gas

leases under the stewardship of a board, similar to actions taken to control a bankrupt company.

From this bankrupt organization came the Minerals Management Service, which in 1983 took over the responsibilities of collecting oil and gas royalties.

The minerals agency struggled with an \$82 million VAX computer system that could not handle data properly or produce timely accounting for oil and gas transactions. The VAX problems set the entire minerals management program back at least two years, officials agree.

There were other problems.

BIA and minerals service officials argued and fought over the resource management problems. The feud deteriorated to the point where officials of the two agencies were barely speaking to each other.

While officials of the agencies bickered, Indians who owned mineral rights were starving and losing their homes and cars because they could not get their money.

The minerals service has set up a royalty-processing center in Lakewood, Colo. It has had three directors in the past four years.

The agency quickly found it could not comply with the 1981 Federal Oil and Gas Royalty Management Act. Instead of requiring companies to pay as they produced, the minerals service instructed them to "estimate" payments for oil and gas production on federal and Indian lands.

This estimate is necessary because the BIA and the minerals agency have no accurate way of measuring the oil and gas production.

Although the Interior Department is required to inspect each of the wells once a year, federal officials conceded that with the dwindling number of inspectors, it would be physically impossible to complete that mandate even if the inspectors worked 24 hours a day.

***BIA officials attempted to collect \$80,000 from a 60-year-old Comanche widow they claimed she owed to an oil company. An independent audit revealed that in fact the widow was owed \$64,000***

The BIA and the minerals agency in 1985 developed a reporting form that was supposed to give Indians a monthly accounting of production of oil and gas for their lands. But the form is so complicated that it takes an accountant to figure it out.

"My first comment when I saw it, a real one, was, 'Hey, these people aren't accountants,'" Bettenberg said.

The minerals service and the BIA are pinning their hopes of resolving the multibillion-dollar oil and gas crisis on a new \$32 million computer system that originally was scheduled to go on line last year but was rescheduled to begin operation in August.

The computer did not make the new deadline. The Interior Department has fined its manufacturer, Martin Marietta Corp., \$979,498 because the system did not begin operations on schedule. Martin Marietta contends it is late because the oil and gas records are in such bad shape that the company can make no sense of them.

Interior officials recently angered lawmakers by trying to quietly change leasing regulations on federal and Indian lands. Proposed leases would give uncommon advantages to oil companies. The new regulations were supposed to have taken effect Sept. 23, but because they had been introduced so quietly, Congress delayed their implementations until at least Oct. 24.

The failures of the federal oil and gas programs have led to a growing concern in Washington and with Indians nationwide that no one in the Department of Interior really wants a workable system.

Synar feels the problems result from a lack of commitment on the part of the BIA and the Minerals Management Service. The Oklahoma congressman said officials and employees of the agencies are more intent on protecting their jobs than on helping Indians.

"They spend more time trying to justify their existence and less time trying to carry out the intent of Congress" by using their resources to solve problems, Synar said.

He said the Reagan administration has developed a pro-producer stand and is doing little to protect the interest and rights of Indian land royalty owners.

Rep. Yates echoed Synar's allegations that department officials are siding with oil companies.

He said that Bettenberg has "taken sides with the oil and gas companies, and said so."

The Republic found incidents in which agencies acted against the best

*Continued, page 8*



# Fraud! (from page 7)

interest of Indians.

Those incidents included three U.S. District Court cases in which federal judges ruled that the Interior Department and the BIA blatantly supported oil producers at the expense of Indians.

In 1984, the U.S. 10th Circuit Court of Appeals in Denver found that the department had "breached its fiduciary duty" by favoring oil companies in the valuation of oil and gas pumped from the Jicarilla Apache Tribe's lands.

Although the appellate court overturned judgments in favor of the tribe, it did not change its decision that the Interior secretary violated his trust duties.

The judges said federal officials had failed to lease the land at good rates and failed to protect the Indians from companies that were draining oil from under their land.

In another case from Oklahoma, the same appellate court ruled in 1986 that BIA and Interior officials had broken the law and conceded the Indians' rights by allowing non-Indians to share in oil and gas revenues from Indian lands.

A federal report shows that in 1985, the BIA was trying to force Indians to repay money to oil companies, claiming overpayments by the producer. But a congressional investigation found that the companies were the ones that owed.

In one instance, the BIA was trying to extract a \$104 payment from an Indian lessor for an oil company. But the investigation found that the company instead owed the Indian more than \$51,000.

In Oklahoma, the BIA and the Minerals Service were trying to collect \$80,000 for an oil company from a 68-year-old Indian woman. An independent audit revealed the firm actually owed her \$64,000.

Indians claim the BIA also acts to the detriment of entire tribes.

In January of 1986, BIA chief Swimmer intervened in behalf of an oil company that was negotiating with the Shoshones and Araphos of Wyoming to make up about \$3 million in underpayments for oil and gas. The tribe's bargaining chip was a threatened cancellation of the firm's minerals leases on the reservation.

But Swimmer, a Cherokee Indian, unilaterally dismissed the tribes' cancellation petition, and the operators of the two lucrative leases withdrew their settlement offers, leaving the tribes with nothing to show for their efforts.

Wes Martel, a tribal official at the Fort Washakie, Wyo, reservation, said this was clearly a case in which the BIA and Swimmer sided with the oil companies.

Deal, the attorney for the American Petroleum Institute, acknowledges that oil companies have input to the federal government's oil and gas programs but added, "There's no cave-in to industry."

The control the companies exert over the Interior Department's oil and gas programs is illustrated by The Republic's attempts to gather data for this story. Reporters filed numerous requests for public documents under the Federal Freedom of Information Act.

On Aug. 7, the Interior Department responded that it was consulting with oil companies about release of the documents, although it acknowledged, "We have no provisions in our regulations for such consultations."

"If you choose not to provide us with the time to consult with Union Oil Co., you may appeal your request as having been denied," wrote Danny P. Danigan, Interior assistant inspector general.

Union Oil is one of 10 companies that Interior Department officials said they had to consult before they could release public documents.

Interior Secretary Donald Hodel refused to discuss the matter with The Republic. He agreed to an interview, then canceled it after learning of the subject matter of the newspaper's investigation.

Some Indians allege that Swimmer sides with oil companies because he has a financial interest in minerals ventures.

"I think it is really low-rent" to draw that conclusion, Swimmer said.

His financial-disclosure statement filed in 1985, when he became head of the BIA, shows that he owns stock or interest in three oil-related businesses. He said one of those interests is an oil-mineral trust for his children and that the other two are limited partnerships.

"The total value of my oil interests should be under \$20,000," he said.

That figure is supported by his disclosure statements.

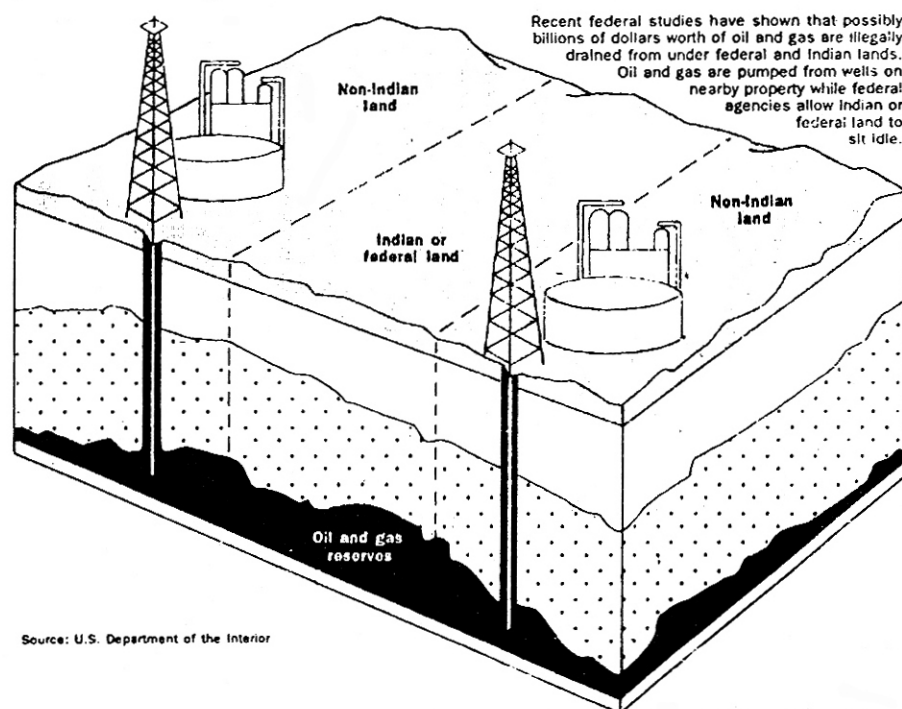
But the criticism is not solely about top-echelon BIA officials such as Swimmer. Officials at area or tribal offices have allowed firms to drill oil and gas wells on Indian lands without the benefit of a lease.

In other instances, allegations have surfaced that government attorneys backdated leases for oil companies after they struck oil or gas on Indian-owned lands. This allows them to drill without paying lease fees to Indians.

When serious violations are brought to their attention, Interior Department officials have failed to crack down on oil companies that apparently violate federal laws, federal studies show.

In other cases, they have not pursued legal action when oil producers refused them access to oil and gas records as required by law.

## How oil and gas are drained from Indian and federal land-



Documents show that oil firms repeatedly have refused to comply with the access-to-records law, seriously hampering the Indians' efforts to get an accurate accounting of the money owed them.

For example, when major producers Arco and Chevron refused to let Interior Department officials review their records of production from federal and Indian lands, government officials took no action other than to report they were studying "appropriate strategy" to deal with the apparent violation.

Members of Congress and their staff members interviewed by The Republic expressed deepening concern over the growing cozy relationship between the Interior Department, the minerals service and the BIA and the oil and gas companies they are supposed to regulate.

For example, Interior officials in 1986 decided to let Conoco, a major oil company, write valuation guidelines for oil and gas production.

Minerals Management Service Officials acknowledged that the Conoco proposals would have given oil companies a \$600 million windfall at the expense of Indian landowners and taxpayers. The minerals agency's royalty-advisory committee rejected the Conoco plan, but a new plan being drafted by the agency will have about the same effect, critics allege.

Dissatisfied Indians are going to court to force the government to do its job.

About 17,000 Navajos filed a lawsuit in 1984 in U.S. District Court in Albuquerque, N.M.

Albuquerque attorney Al Taradash, who represents the Indians, said that a judge recently ordered the BIA and the minerals service to make timely royalty payments. But the system is so bad there are serious questions as to whether the agencies can comply, he said.

In 1985, a lawsuit was filed in U.S. District Court in Oklahoma by about 7,000 Indians. Moore, an attorney for the Native American Rights Fund in Boulder, Colo., is co-counsel in that case.

Like Taradash, Moore doubts the government's ability to comply with any court order he can win.

"Our concern with the system is that as it is designed, it has no way to ensure the accuracy of payments," Moore said.

"It is a system that totally relies on the good faith and trust of the producers."

"Indians have about run out of belief in this good faith and trust. The potential for fraud in this system is phenomenal."

# Indian's oil, identity stolen

Austin Walker was a homeless, jobless and destitute Creek-Cherokee Indian who should have been a millionaire.

But he was denied the money due him because government attorneys representing the Bureau of Indian Affairs failed - criminally some claim - to represent him.

The government lawyers joined with an oil company to pass off a black



man, also named Austin Walker, as a Creek-Cherokee Indian. They then allowed the man, identified as a "full-blood negro," to sign an oil and gas lease on the Indian Walker's allotment land in Creek County, court records show.

And those same government attorneys stood by as more than \$1 million worth of oil and gas was pumped from the Indian's allotment, then opposed Walker in court when he fought for the money that was due him.

Walker's problems paint a striking story that shows why Indians nationwide are losing confidence in government lawyers acting on their behalf. That trust is being eroded by what some claim is growing legal malpractice on the part of federal attorneys assigned to represent Indian interests.

Walker is by no means an isolated example, as discovered by The Arizona Republic.

His case - along with another filed by the heirs of Susie Chuwee Blackwood in Oklahoma and a third by a group of Indians against Sanguine Ltd., an Oklahoma oil company - are graphic examples of how some government attorneys and BIA officials seemingly work against the best interest of Indians, the very people they are sworn to represent.

In the Walker incident, government attorneys participated in a lease-fraud case that has left even veteran Oklahoma jurists and oilmen shaking their heads.

In the Blackwood episode, which, like the Walker case, was handled by the Interior Department's regional solicitor in Tulsa, federal attorneys tried to force Indians to sign an oil and gas lease agreement that clearly was not in their best interest.

Walker's battle with the government to claim his money began in early 1983, when a small oil producer, Bristow Resources Inc., tried to lease his Indian allotment land in an oil-rich area southwest of Tulsa.

The Austin Walker who owns the land lives quietly in Black Gum, about 80 miles from the allotment area. BIA officials said they could not locate Walker, but Bristow Resources found a black man with the same name in Sapulpa.

With attorneys from the Interior Department's regional solicitor's office looking on, a state district judge on Feb. 10, 1983, certified the black man as a 7/8 Creek-Cherokee Indian.

The 66-year-old imposter said no one ever questioned his race when they were certifying him as Indian.

Once certified, the Bristow company paid him \$4,000 to lease the land.

Using that bogus lease, the oil company drilled on the Walker land - and hit pay dirt, pumping \$1.3 million worth of oil and gas.

Phil Elias, owner of the oil company, could not be reached for comment, but the firm's accountant, Ralph Osborne, said Bristow Resources would make no comment since the Walker case was still in litigation.

Bristow Resources is operated out of the same office as Phil's Used Cars in Bristow.

In September 1983, Walker, the Indian, went to the BIA office in Muskogee to collect about \$80 he received annually for leasing his Creek County property to a livestock producer - the same rich, oil-producing land then being drained by Bristow Resources.

But there was no money in Walker's account. He found that Rex Herren of the Interior Department's regional solicitor's office had canceled the livestock grazing lease.

Walker called the office, and Herren, who had represented the BIA when the black man was falsely certified as an Indian, told him to come to Tulsa at once.

Walker, 46, had no money and no car, so he hitchhiked to Tulsa. There, he met with Herren and produced documents showing he was both Indian and the actual owner of the land, something the black later said he was never asked to do.

The appearance of the Indian Austin Walker touched off major chaos and a flurry of frantic phone calls.

Herren called the state judge who had certified the black man as an Indian. The judge telephoned attorneys for Bristow Resources. Those attorneys called Herren repeatedly.

During those phone calls, the Bristow firm's attorneys told Herren about three producing oil wells, court records show. The company was put in the position of having major oil wells on land to which it had no legal rights. Herren told Bristow's attorneys where to reach the Indian Walker.

Bristow sent Veta Germane, a company employee, to persuade Walker to sign a legal lease. When Germane found Walker, the Indian had just completed an auto-mechanics course at a trade school in Okmulgee. He had no home, no money and, according to court records, was living out of his cousin's car.

Germane gave Walker \$500. Walker said in an interview with The Arizona Republic that it was clear that the money obligated him to accept a lease. He said he called Herren, who told him he could cash the check.

Germane then told Walker that Bristow Resources would pay him \$4,000 for the oil and gas rights on his land, a sum that turned out to be a fraction of the land's worth. Walker also said he wasn't told that oil already had been pumped from his land by the company.

"I didn't know a thing about the oil and gas, and at that time, I was broke, so \$4,000 sounded like all the money in the world to me," Walker told The Republic.

## ***When the BIA "could not locate" an Indian land owner ... a black man was certified as 7/8 Indian and paid by the oil company for lease of the land***

"So I said for sure that I'd sign it."

In addition to Germane, Bristow Resources hired as a consultant Harold Schultz, who recently had resigned as a government attorney in the Tulsa solicitor's office.

Court records show Schultz agreed to represent Walker at a state District Court hearing, which is necessary to validate Indian oil and gas lease in Oklahoma.

Herren testified in court he "relied on Schultz (who was working for the oil company) to represent Austin Walker rather than assume the duties himself" as solicitor.

This is unusual, because the solicitor's office is charged with representing Indians in such matters.

On Oct. 14, 1983, Herren met with state District Judge Streeter Speakman, who earlier had certified the black man as an Indian. At that time, court records show, Herren told the judge about the oil production on Walker's land.

Instead of being advised by the solicitor's office at the lease hearing, Walker in the end was represented not by Schultz but by another Bristow Resources attorney.

U.S. District Court Judge H. Dale Cook wrote this year in a lawsuit brought by Walker against the United States that the government's allowing an oil-company lawyer to represent Walker in the lease hearing amounted to "a complete breakdown in the fundamental principals of legal representation."

"Bristow Resources and Austin Walker were in an adversarial position, in that Walker would expect to receive the highest price possible for a lease," Cook said.

He didn't.

On a lease worth at least hundreds of thousands of dollars, Walker received only \$4,000, and the federal lawyers who were supposed to represent him approved the deal.

Court records show Herren actually urged Walker to sign the lease with Bristow Resources, telling him \$4,000 was a "fair price."

During the lease hearing in state court, the federal judge later noted, Walker was the only person in the courtroom who still did not know there were producing oil wells on his land.

There were other irregularities.

Normally, Indian lease hearings in Oklahoma courts are held on the same day of each month so oil-company representatives can be present to bid competitively. But in Walker's case, the state judge set an "accelerated hearing date."

Cook, the federal judge, called the state court actions "fatally flawed."

And he rebuked the BIA attorneys who were supposed to represent Walker.

"There is no justification for the Department of Interior to permit this type of procedural masquerade, wherein the government's trial attorneys know firsthand that the private attorneys filing these petitions (for Walker) are bought and paid for by the Indian's adversary," Cook found.

He blasted the federal attorneys for "negligence and a breach of their statutory duty to represent the best interests of their client-Indians with the...tribes who are titleholders on restricted Indian land."

Walker said he took the \$4,000 after the lease hearing in state court and "felt like a King."

He then went to Bristow's office and signed a document he thought was part of the settlement agreement. In essence, it was a legal document releasing about \$300,000 in accumulated royalty fees.

But Walker's relatives who worked for the BIA in Muskogee told him soon after he accepted the \$4,000 that something was wrong with the Bristow deal. Walker ended up retaining John D. "Rocky" Boydston, a Tulsa attorney. And that led to the federal suit before Judge Cook.

Boydston said he immediately realized the deal was a sham and Walker had been the victim of a million-dollar fraud.

At first, he tried to get Interior Department and BIA officials to help Walker recover his money. They refused.

In a July 10, 1985, letter to Justin P. Patterson, assistant solicitor for the Interior Department in Washington, Boydston wrote:

"You obviously don't know much about Indian law, legal ethics or oil and gas. I assume from your response that you also don't know about or care about the problems Indians have with oil companies and government bureaucracy."

Boydston further warned, "What you have just brushed aside is the

*Continued, page 10*



# Identity (from page 9)

making of a major scandal, for which you will bear a major responsibility in exposing to public light."

But the government wouldn't budge. Instead of helping Walker, it became his legal adversary.

Boydston requested a criminal investigation, but the U.S. attorney's office in Tulsa refused to act.

He then filed suit against the government on Walker's behalf in federal court at Tulsa.

In a July Interior Department inspector general's report, investigators noted that after Walker filed the lawsuit, "the Walker file was discovered to be missing" from the Tulsa regional solicitors office.

The file was found two weeks later, but critical notes related to the case were missing and have never been found.

During the trial, government attorneys attacked Walker. They presented as witnesses three government appraisers who testified that the \$4,000 price paid for the lease on the producing oil and gas land was a fair arrangement.

The federal judge, obviously angered by their version, called their testimony "incredible, unworthy of belief and not regarded by this court as reasonable."

On March 19, Cook awarded Walker \$685,368.

Walker still has not collected the money, and the government has filed a notice of appeal.

Herren refused to be interviewed when contacted by The Republic, saying only, "I think, obviously, an error was made."

He would not say who he felt made the error.

BIA Director Ross Swimmer admitted officials from his agency and the solicitor's office were "guilty of omission" in the Walker case.

"I'm not sure they've determined there's any activity where anybody got any money out of the deal," Swimmer said.

"I think it was a royal screw-up, and I think if you track it down from Day 1, that all the controls that were in place failed."

Soon after Cook's ruling, the head of the Tulsa solicitor's office retired, and Herren resigned.

Herren's actions in the case were recently investigated by the Interior inspector general's office.

Investigators concluded Herren had acted improperly in the case but found no criminal intent. They added that he had violated regulations by failing to disclose the interest he held in oil and gas wells in Oklahoma. But they allowed him to amend his disclosure statement.

Roger Hilfiger, U.S. attorney for the Eastern District of Oklahoma, based in Muskogee, considered prosecuting Herren on charges of making false statements, criminal conflict of interest and perjury.

But, the investigators said, "Hilfiger does not feel there was any criminal intent in this case by Rex E. Herren."

Ironically, Hilfiger was representing Herren in the civil suit filed by Walker at the same time his decision not to prosecute was reached.

Additionally, the investigators reviewed Herren's actions in a case involving the heirs of Susie Chuwee Blackwood, also of Oklahoma.

As with the Walker case, they concluded he had acted improperly but without criminal intent.

In that case, Herren and the solicitor's office wanted Blackwood's heirs to sign a lease agreement for mineral rights on their land against the advice of BIA realty specialist Harold Wade of Tahlequah.

Wade told them the lease was not in their best interest because they apparently were owed money for previous lease royalties that had accumulated since 1969.

When Wade refused to go along with the lease, he was ordered by the solicitor's office and officials of the Muskogee BIA area office to get the lease signed. Wade refused and was disciplined for that refusal.

Herren then took an Indian BIA employee with him and went to the family and persuaded them to sign the lease.

Wade said he refused to have the lease signed because records showed that an oil company had been producing oil and gas from the property since 1957. But, he said, there was no record of the Blackwood heirs ever signing a lease or receiving royalty payments.

In another case in Oklahoma, a U.S. District Court judge allowed a group of Indian landowners to intervene in a lawsuit against the BIA by Sanguine Ltd., an oil-production company that was attempting to force the federal agency to pool oil revenues of Indians and non-Indians.

State law in Oklahoma allows pooling of revenues under a procedure called "communitization."

A favorable decision would have allowed non-Indians to share Indian royalties, the Indians claim.

The Indians successfully argued that Anadarko area BIA director, at that time Stanley Speaks, had not represented their best interest in dealings with Sanguine. Speaks is now area director for the BIA in Portland, Ore.

A federal appeals court found, "Counsel for government defendants agreed the area (BIA) director's actions were unlawful."

The incidents in Oklahoma apparently are not isolated.

Indian leaders, BIA employees and even a former president agree the system is one ripe for corruption.

Then-President Nixon recognized the danger of federal lawyers' representing both Indians and the government as early as 1970.

Nixon said those legal battles often place the government "with an inherent conflict of interest."

## Agencies let oil-rich Indians wallow in poverty

Meanwhile, near Anadarko, Okla., 600 miles to the east of Arizona, Vietnam War veteran Roger Bosin, a Kiowa-Comanche, has lost his home and a bank is about to repossess his pickup.

He owns a share of a producing gas well and he cannot get money owed him by the BIA for the oil and gas pumped off his land.

"I'm trying to find out what happened to my money, and the BIA won't tell me anything," Bosin said.

In Arizona, the response Frances Begay got from officials was similar.

When she approached them in Window Rock to find out why she and other members of her family were not getting paid, BIA officials refused to help and told her, "You should have saved your money."

Begay's and Bosin's stories are not unusual. They are among thousands of Indians who are suffering because the BIA and the Minerals Management Service, another Interior Department agency, are improperly handling Indian royalty accounts.

The BIA is the trustee for Indian lands and is supposed to protect the best interest of tribes and individual Indians in such matters as royalty payments.

The end result has been personal and financial hardship for numerous Indian families. Instead of being independent, many are on welfare rolls, and some even rummage through garbage cans looking for morsels of food while major oil companies pump oil off their land.

The BIA and the minerals agency have allowed oil companies to pump billions of dollars worth of oil from Indian lands with little or no accountability by letting companies operate on an "honor system."

The firms are allowed to estimate the amounts they owe the government for the oil and gas because federal agencies cannot accurately monitor oil production from Indian and federal lands. The oil companies are supposed to be audited every six years under this arrangement.

Indians across the nation have found themselves virtually helpless because the BIA, as trustee for their oil and gas leases, has refused in most cases to represent their interests.

Instead, the BIA and the Minerals Management Service allow major oil companies to indirectly control Indian royalty accounts by depositing money or claiming over-payments against the Indian's accounts as they see fit.

The minerals agency collects the royalty payments, and the BIA distributes the funds to Indians.

Numerous federal audits, investigations and congressional hearings have established that the two agencies are allowing oil producers to literally steal hundreds of millions or even billions of dollars of oil and gas from federal and Indian lands.

Beatrice Saupitty, a 68-year-old Comanche widow from Cache, Okla., is a prime example of the problem.

She is part-owner of a producing gas well in the Anadarko Basin. But recently, the BIA stopped the royalty payments that were her primary source of income.

BIA officials never notified her that payments were stopped. So she went to the BIA office seeking answers and was floored when agency officials in Anadarko told her that an oil company claimed \$80,000 in overcharges against her account.

Although the BIA neither attempted to verify that charge nor asked the Minerals Management Service to audit the account, agency officials depended on the honor system and without question charged Saupitty's account.

Saupitty said it would take years to pay off that account. And she was upset that BIA officials sided with the oil company and told her she must prove that the company's overcharge was wrong before she could get any money.

Unlike many Indians, Saupitty had saved enough to hire an attorney. That attorney hired an oil and gas auditor, who found that the oil company and the BIA were not due the \$80,000. Instead, they had failed to pay Saupitty for an estimated \$64,000 in oil and gas taken from her land.

Even when presented with those documented findings, the BIA would not pay Saupitty. Today, she is still trying to collect the money while the BIA, the agency charged with the trust responsibility over her land, effectively sides with the oil producer against her.

In effect, the BIA rejects her documented claim and accepts the word of the oil company, which based its overpayment charges on "estimated" production from her land.

In Arizona, Begay said she and her two brothers and sisters have been



unable to determine why their royalty payments stopped. When they received no royalty checks for three months, the BIA could not tell them why.

They went to the well, located in New Mexico, and found the oil producer had abandoned the site.

They notified the BIA, and eventually a new producer began taking oil from their land. Now they receive small checks each month, accompanied by a complex accounting form they can't understand.

In fact, the forms that report oil production to Indians are so complex that even the head of the Minerals Management Service, William C. Bettenberg, admits he can't make sense of them.

Begay and other family members have joined about 17,000 other Navajo oil lessors who have filed suit against the Department of Interior, seeking to make its agencies, the BIA and the minerals agency, properly account for production. The lawsuit also seeks to force the federal government to pay promptly.

But even the most optimistic say the agencies' ability to expedite payment is poor, primarily because of an archaic accounting system that, according to a recent congressional report, makes everything "unnecessarily complex."

The problems also are compounded by a computer system that has failed miserably and a paralyzing lack of communication between the minerals agency and the BIA.

A similar lawsuit has been filed against the Interior Department by about 7,000 Oklahoma Indians representing several tribes.

In addition to filing lawsuits, Indian lessors are banding together to fight the federal government.

Navajos who feel the U.S. government is allowing oil companies to steal millions of dollars worth of oil from them have formed the Shi Shi Keyah Association, based in Bloomfield, N.M.

In Oklahoma, Indians have formed the Oklahoma Indian Mineral Owners Association, a boot-strap operation headed by a fiery 66-year-old Wichita Indian great-grandmother, Berdena Holder.

Although Holder has had one home repossessed because she was unable to meet payments due to what she says were BIA and Minerals Management Service foul-ups, she successfully has helped collect between \$500,000 and \$1 million for Indian royalty owners who were shortchanged.

"Whatever the oil company reports is gospel to the BIA. They never seem to question them," Holder said, referring to the BIA's honor system.

"They're ripping us off. When I say they, I don't know for sure if it is the oil companies, the BIA, MMS (Minerals Management Service), Treasury or who.

"We have to keep fighting," Holder said emphatically.

"If we don't, we know our checks will stop. It's the biggest damn mess you ever saw."

Holder, who has 10 children, 26 grandchildren and 10 great-grandchildren, said she became involved in the fight for Indian royalties only because the BIA would not.

"Back in '83, when all of this started, we were so pathetic," she said, referring to the birth of the Indian royalty association.

"There were people without groceries, losing cars and losing homes. I would go home and cry. There was nowhere to turn."

She represents people like Thomas Wahnee, a 75-year-old Comanche who claims the BIA has failed to pay \$41,000 that an oil company owes him.

Wahnee, who lives in a run-down house in Fletcher, Okla., knows what he would do if the BIA would release his money.

"I'd pay my bills," he said. "I'd sleep good then."

Holder challenges the BIA and the minerals agency almost daily and in more cases than not, she wins. She has become a thorn in the side of the bureaucrats.

Pat Ragsdale, former BIA area director in Anadarko, Okla., is a frequent target of Holder's barbs and challenges.

"She heads my fan club," Ragsdale joked.

Then, in a seemingly studied choice of words, he added, "Berdena Holder has focused on oil and gas management by the federal government. She represents well her Indians' views as to the effectiveness of that federal government's management. She has been very critical of that responsibility, and she represents a number of Indians who share their problems, both real and perceived, with her.

"She and I both agree that there is a lot of improvement to be made. But she and I may differ as to our diligence in the Anadarko area."

## Senate committee approves investigation

A Senate committee has voted to finance an investigation into possible mismanagement in the Bureau of Indian Affairs.

Among the allegations that will be investigated is one that accuses the BIA of failing to collect billions of dollars in mineral royalties over

the past 50 years for tribes.

The investigation will be supervised by a special subcommittee being created under the Senate Select Committee on Indian Affairs. Among the other areas the subcommittee is expected to look into are possible corruption in

Indian housing programs and alleged irregularities in a number of other federal Indian programs, such as education, health care and economic development.

The committee is now seeking an appropriation of \$240,000 for its first three months of investigations. The probe is the result of a recent series of newspaper articles which criticized the Bureau of Indian Affairs for bureaucratic waste.

Carl Shaw, speaking for the BIA and the Interior Department, said that federal officials will cooperate with the investigation. He pointed out that most of the allegations in the newspaper articles came from studies the Interior Department has done on the federal Indian programs over the years.

Many of the problems brought up in these reports have since been corrected, Shaw said.

Among those heading the subcommittee are Sen's. Dennis DeConcini (D-Ariz.), John McCain (R-Ariz.), and Thomas Daschle (D-S.D.). According to committee members the investigation is opened-ended and may take anywhere from six months to six years.

DeConcini said he hopes to start holding public hearings on the matter in early 1988. The first allegations to be investigated, he said, will concern the failure to protect tribal royalty rights, which has allegedly cost Indian tribes billions of dollars.

Shaw admitted that the Interior Department for years had an inadequate accounting system but claimed that changes have been made in the past few years which has made the mineral and oil companies a great deal more accountable.

DeConcini said that the investigation will be conducted in phases, beginning with the royalty issue, since it has the potential for recovering hundreds of millions of dollars in revenue for the Indian people.

He added that if only 10 percent of the allegations made in the newspaper articles are true, Congress has no choice but to do something.

## Rep. Yates wants new 'Indian Dept.'

Rep. Sidney Yates III, D-Ill., at a hearing before the House Appropriations Interior subcommittee of which he is chairman, questioned whether the Bureau of Indian Affairs has adequately represented the interests of Indians and suggested there might be need for a new department of Indian Affairs.

Yates cited allegations at an October 27 hearing, made in a series of articles in the Arizona Republic and published as an

eight-day investigative series starting October 4.

The 30-story package detailed fraud and waste in federal Indian programs and charged that tax dollars have been wasted by poorly managed bureaucracy.

In one case, according to the Republic, an oil company pumped more than \$1 million worth of oil and gas from land owned by a man named Austin Walker and opposed him in court with the aid of government attorneys when he sought payment.

The oil company, Bristow Resources, Inc., had found a second man with the same name, after BIA officials said they could not find the real Austin Walker, a Creek-Cherokee in Tulsa. The "other" Walker was a black man from Sapulpa, Oklahoma.

"I don't know whether we can continue to have confidence in the BIA in view of these cases," Yates said at one point.

Yates told Interior Secretary Donald Hodel and Assistant Secretary Ross Swimmer, that recent allegations of fraud and mismanagement on Indian reservations are cause for great concern.

Hodel told Congress that Indian Country had been in "total disarray" but that tribal and congressional resistance to change has impeded administration efforts to correct problems.

Yates criticized Hodel's opening statement and said he was "shocked" that Hodel did not express outrage at the allegations made in the articles.

Hodel told Yates that the news reports demonstrate that efforts to correct problems have fallen short.

In Hodel's prepared statement, he said that the administration has "proposed some of the most exciting and promising initiatives on Indian affairs in years."

Among the proposed changes are the transfer of operations of remaining federal Indian schools to tribal or public school control, and a "self-assistance" work training program for welfare

recipients.

"But we have not been able to generate broad-based support for these initiatives," Hodel said.

Because of the number and diversity of tribes, proposals to change the "status quo" ... (have) met with fear and resistance" and obtaining congressional "concurrency in major changes has been extraordinarily difficult," Hodel claimed in his statement.

But leaders of Indian tribes, in testimony, repeated longstanding complaints that the BIA is to blame for many of the problems.





# In Others' Opinion

## American Indians could teach us whites a lot

By Paul Harvey

Author and Commentator

Russell Ferris said something awhile back that really deserves to be resaid a few times - about what makes the United States so distinctly different. He thinks it's because of the American Indians.

Mr. Ferris said we'd be a carbon copy of European culture because most of our people came from there except that so much of what our nation is - is Indian.

Chewing gum and rubber balls, popcorn and corn flakes, flapjacks and maple syrup - and the American disrespect for dictators.

Scholars are just beginning to learn that most of our farm produce - four-sevenths of all our farm produce - came from plants tamed by Indians generations before Columbus. Corn, tobacco and white potatoes...sweet potatoes, beans and peanuts...tomatoes, pumpkin, chocolate, cotton and rubber.. We got them all from Indians.

Irish potatoes and India rubber and Egyptian cotton are just respectable old-world names for American Indian products.

The Indians knew about hybrid corn; only when we relearned what they already knew did we increase our yield by 40 percent.

And our government..

Several states within a state..copied the tribal independence of the Indians.

That chiefs are servants of the people, not masters..

That the leaders must respect the dreams of men..

In medicine..

Where do you think we got quinine, cocaine, cascara, ipecac, witch hazel, oil of wintergreen, petroleum jelly and arnica?

For 400 years physicians and botanists have been examining and analyzing the flora of America and they have yet to discover a single medicinal herb that was not known and used by the Indians.

Now we moderns think we have discovered the benefits of cleanliness and exercise and athletic prowess and physical fitness.

Fact is, Queen Isabella never understood why the American "savages" as she called them, took baths so often.

And finally, child care and the power of prayer..the Indians had so much to teach us that we have not learned it all yet.

## Treaties are not one way documents

By Tim Giago

Lakota Times

Have you ever noticed that when non-Indians talk about treaties they always refer to them as "Indian treaties?"

Well folks, treaties are always signed into law by two or more parties or nations.

In the case of the treaties signed between the United States government and the many Indian nations, the treaties were signed between two sovereign nations.

These treaties should then be called by all U.S. citizens "Treaties between the United States and the Navajo Nation" or the names of the other Indian nations signing the treaties.

What we are trying to say here is that treaties were not one-way documents.

Something always changed hands as a result of these treaties. Lands, rivers, lakes, etc. were always a part of the reason treaties were signed.

In most cases, something was gained and something was lost or given up. Too many Indian tribes lost much more than they gained but then our ancestors didn't have lawyers representing them either.

When a treaty is abrogated or cancelled, this means that since the treaty is no longer in effect, things should go back to the way they were before the treaty was signed into law.

The white man inevitably looks at this to mean that the Indian tribes should then lose all of their treaty rights, such as hunting, fishing and the retention of aboriginal lands.

Why should these treaties signed by two sovereign nations always be considered one way documents with one way obligations?

Since both parties agreed to certain provisions when they signed the treaties, it stands to reason that if one side is to lose all of the protections, rights and properties guaranteed under the treaties, the other side should lose equally.

For instance, if the treaties between the Sioux and the U.S. government are abrogated, should that mean that the Sioux Nation gets back all of the lands it gave up when it signed the treaty?

Makes sense to most Indians.

Purists who believe in the infallibility of the U.S. Constitution should read the fine print.

In this document that is so revered by the white man, Indians are accorded the status of sovereign nations.

Now, can the U.S. Constitution be wrong? Heaven forbid!

Fair is fair. To all of those extremists seeking to destroy the Indian treaties, open your eyes and look at both sides of the issue.

Indian tribes have special status with the U.S. government established by legal treaty.

No other American can make that claim.

So the next time you hear someone talk about abrogating our treaties, ask them if they are willing to give up their land.

It's only fair!

## Sovereignty issue misunderstood

(Reprinted from the Oct. 17 Norman, OK. Transcript)

The issue of Indian sovereignty is never out of the news for very long any more. Now the officials of a Claremore race track are threatening to turn the track over to an Indian tribe in an effort to escape the authority of the Oklahoma Horse Racing Commission.

Robert C. Jenkins, a former attorney for the Oklahoma Tax Commission, says the problem is much more serious than most people think. Oklahoma is in a class by itself, he says, because it is the only state in which most of the land was once set aside for Indian tribes.

Until recently, it has been

generally assumed that only property that has remained in the hands of the tribes could be considered Indian land. Now, Associated Press writer Bill Johnson reports, the federal court of appeals for this circuit has held that the state has no authority to tax bingo games or cigarette sales conducted by the Chickasaw Nation in a motel bought by the tribe.

The state is appealing the decision to the U.S. Supreme Court.

If a motel purchased by a tribe becomes Indian land, Mr. Jenkins reasons, a tribe could set up a business anywhere in the state and have it exempt from state taxes

## Oklahoma wants 'solution'

The following article appeared in the Oct. 18th Norman, OK. Transcript under the headline: 'Indian Country' label 'a real headache'. It was authored by Carter Bradley and Jim Young of the Oklahoma Press Association Capital News Bureau.

Indian Country is a glamorous term worthy of a Hollywood movie script but it's also a real headache for Oklahoma public officials.

They shuddered anew when U.S. District Judge Lee West ordered the Oklahoma Tax Commission to quit telling tobacco wholesalers they should not provide merchandise to Oklahoma Indian tribes that are selling cigarettes without paying state tax on them.

Ancient treaties, plus conflicting federal court, congressional and Indian Bureau actions, compound the confusion. Problems are less complex in states where most Indians still live on reservations. There, Uncle Sam has granted tribes sovereignty to enact tribal laws and enforce them. And even to collect taxes for tribal treasuries.

There are no comparable reservations in Oklahoma, though it's the nation's most populous "Indian Country." Because ethnic differences have not inhibited intermarriages, Oklahomans may live next door to an Indian - or even have Native American forebears - without knowing it. Congress created a patchwork of lands held by individual Indians or in trust for tribes. The trusts limit the sovereignty of most Oklahoma tribes, which claim more than 150,000 members.

Continued, page 13

and other state laws.

"Could denturists be licensed by a tribe without being subject to state health laws?" he asked. "Would a highway patrol trooper who stopped a person on the highway have to determine whether that person was an Indian before he could issue a citation?"

Joseph F. Rarick, professor of law at the University of Oklahoma, told the AP a solution might come from Congress.

"Congress has it within its power to alter these matters," he said. "Before the state became completely crippled, I am sure the Congress would show some concern."



# NATIONAL NEWS

## Bingo suit settled out of court

A lawsuit the United States filed on behalf of Eastern Cherokee Chief Robert Youngdeer has been settled out of court. Youngdeer was seeking to recover \$1.5 million from individuals that operated a bingo enterprise without an approved contract from 1982 to 1986. The settlement involves Youngdeer, the individual defendants and the Eastern Band of Cherokee Indians.

## Auto plant dedication held

The first automobile testing facility built in the United States by a Japanese car company has opened on the Ak-Chin Indian Reservation south of Phoenix in central Arizona. The dedication marked the completion of the first phase of the test facility, which took 19 months and cost \$19 million. A second phase of construction will include an environmental wind tunnel and additional buildings at a projected cost of \$21 million.

## Garrison Dam Bills Too Costly

The Bureau of Indian Affairs would oppose two bills in Congress that would require "hundreds of millions of dollars" to be paid to two Indian tribes for property lost due to the construction of the Garrison Dam in North Dakota.

Frank Ryan, the BIA's deputy to the assistant secretary in charge of business development and trust responsibilities, told the Senate Select Committee on Indian Affairs Nov. 19 that the Standing Rock Sioux Tribe and the Three Affiliated Tribes of the Ft. Berthold Reservation already have received just compensation for their lost property.

A bill was introduced in the Senate for the Interior Department to pay the Standing Rock Sioux Tribe more than \$365 million for land taken during construction of a dam on tribal land.

Another bill introduced in the House would authorize the Three Affiliated Tribes to receive \$178.4 million from power revenues generated by a dam and reservoir on tribal lands.

"We wish to state at the outset that if the proposed legislation were introduced as currently drafted, the administration would oppose it," Ryan said. "The bills would require the payment of hundreds of millions of dollars in additional compensation to Indian

tribes which have already received just compensation for their lost property. The bills would also require the expenditure of hundreds of millions of dollars on infrastructure facilities and on irrigation projects of unknown economic merit.

"In a time of severe fiscal restraint, we do not believe that such an intense distribution of federal funds at two out of the 300 Indian reservations and 200 Alaskan Native Villages is a prudent or equitable implementation of federal programs," Ryan said.

## Housing Authority jurisdiction battle

The courts may be asked to decide if Indian housing authorities are considered "Indian Country." A jurisdictional problem has arisen with the Otoe-Missouria Housing Authority in Oklahoma following a shooting death on the authority's grounds. Housing authorities in Oklahoma are incorporated under state law, according to the BIA's Anadarko Area Office.

## Tribe proposes constitution

The Pasqua Yaqui Tribe has agreed to BIA changes in a proposed tribal constitution. The tribe has been without a constitution since it was federally recognized in 1978. The new constitution sets the stage for a tribal election.

## In Congress:

Nevada Senators Chic Hecht (R) and Harry Reid (D) introduced a bill Nov. 4 to provide state regulation of Indian gaming. Sen. Hecht said the bill is supported by the entire Nevada Congressional delegation. Sen. Reid said Congress must pass during this session legislation providing for Indian gaming regulation. "I am putting the Senate on notice that I will propose some or all of these provisions as amendments to legislation moving through the Senate between now and the end of this session unless there is progress made on the bills now pending in committee," Reid said. The bill, S. 1841, was referred to the Senate Select Committee on Indian Affairs.

Senators John Melcher (D-Mont.) and Don Nickles (R-Okla.) introduced a bill Oct. 23 to address the problem of determining the value of natural gas production from certain federal and Indian onshore oil and gas leases for royalty purposes. The bill clarifies

royalty payments owed under notice to lessees-5 during the period from January 1, 1982 to July 31, 1986.

## 'Citizens for Treaty Rights' group formed and growing in bounds

Eagle River, Wis. - A group of non-Indians concerned about Indian treaty rights and a growing climate of hate in the Lakeland Minocqua area have formed a new group calling themselves "Citizens for Treaty Rights" with members primarily in Vilas and Oneida county and joining rapidly.

In a Milwaukee Journal an A.P. article printed on October 14th said Karl Fate of Rhinelander decided something had to be done after seeing a poster with slogans like "Send Rambo to Flambeau" and seeing a sign depicting a view looking down the end of a gun with the words, "Spear This."

The group plans a letter-writing campaign to legislators, circulation of petitions in support of treaties, and sessions in schools, churches and communities to teach people about the treaties, he said.

Fate said he believed the posters and other activities were creating an atmosphere for violence next spring, and was quoted as saying, "I felt threatened, I felt just appalled that people would do that."

Linda Dunn, a co-founder of the group said, "Many people who support the treaties feel like it's

somebody else's fight. They're not speaking up. I'm really concerned about next spring."

Dunn went on to say that more people were becoming vocal after treaty opponents introduced Treaty Beer this summer to raise money to fight against the treaties. Treaty supporters also spoke up when one anti-treaty group, PARR, called for a boycott of Indian bingo games.

Tribal bingo officials contacted said no noticeable impact was noted from PARR efforts to negatively effect the economy of the reservations.

Fate and Dunn said they believed most people are confused on the issue.



## Others talk

(from page 12)

Some Oklahoma tribes have relatively few full-blood Indians on their rolls. They are dominated by members of slight Indian heritage. Several tribes operate businesses on land owned by individual members. Many leaders are angry with the U.S. Bureau of Indian Affairs, headed by former Cherokee Chief Ross Swimmer, which restricts business activities on trust lands.

In addition to operating motels, restaurants, groceries and service stations, some tribes sell cigarettes and liquor, run bingo games, all without collecting state taxes. One

tribe with spotted parcels of land has tried to set up its own courts and sell auto license tags. Result: The state and tribes squabble over who may collect taxes and whether state laws on bingo games apply.

One purpose of Gov. Henry Bellmon's recent trip to Washington was to discuss Indian concerns with Oklahoma congressional leaders. Bellmon believes only federal legislation can resolve the problems. A study commission he named has met three times so far.

Odie Nance, former tax commission chairman, wrestled with the issues for years. He says: "They could sell any item that has a big tax on it. Federal court cases just go all over the board."

Nance asks: "How could we have 54 sovereign jurisdictions located inside the sovereign state of Oklahoma? What will happen if tribes decide to have their own courts handling marriage, divorce and adoption and related property cases? We would have irresolvable conflicts."

One U.S. Supreme Court opinion is clear. It holds tax-free cigarettes may be sold on Indian reservations, but sales must be made only to Indians. That is little help in a state with no reservations, but with hundreds of parcels of "Indian Country" land. And smokers don't have to prove they are Indians to patronize most tax-free smoke shops.

Courts, preoccupied with reservation Indians, have seldom recognized the confusion in "Indian Country" states. Congress, based on a U.S. Constitution clause referring to Indian rights, could define more clearly Indian business tax exemptions and say what Indian activities Oklahoma laws may affect. State officials believe the situation will remain chaotic until Congress acts.





# From The Chairman

**Bourzjho Nikon,**  
(Hello my friends)

*The staff and elected officials of our tribe wish each of you a very Merry Christmas and a happy and prosperous New Year.*

*This is a season for sharing with family and friends in remembrance of the birth of our Lord. Our tribe's strongest tradition is the respect shown to our elders. With age comes understanding, knowledge, tolerance, and perspective. The greatest gift those of you who are older can give your family is your stories and experiences.*

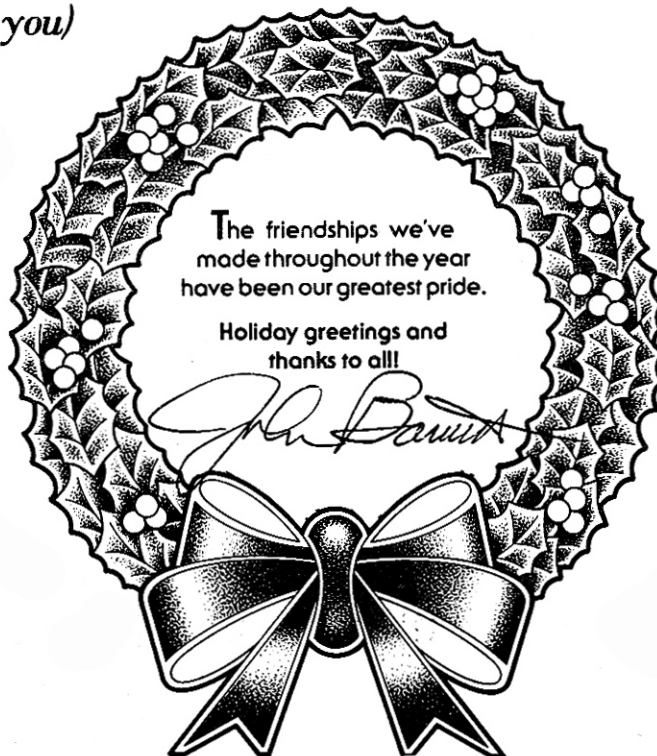
*Make a special effort to gather the young ones around you this Christmas season and tell them about your life and the stories the old ones told you when you were their age – because what you are is a part of them. The most important thing a young person can have is self-realization and pride. Knowing who they are and what kind of people they came from is the best way for them to get ready for life.*

*If you cannot be with all of your young ones, ask for a tape recorder for Christmas and send them a tape. Writing can be difficult with arthritis. The sound of your voice telling your stories will be a great joy for your family in years to come and will let future generations know you even when you are not with them.*

*If you are young, please consider how precious the older members of your family are to you. Can you tell your children their stories? While Christmas is becoming more and more a time of toys for kids, this Christmas give them something that will be theirs long after the toys are forgotten – their family history. And please, don't wait too long and wish you had preserved this precious gift and no longer can.*

*To all of you, Pat and I wish you peace and joy this holiday season. I especially want to thank you for the privilege of serving as tribal chairman.*

**Megwetch** (Thank you)



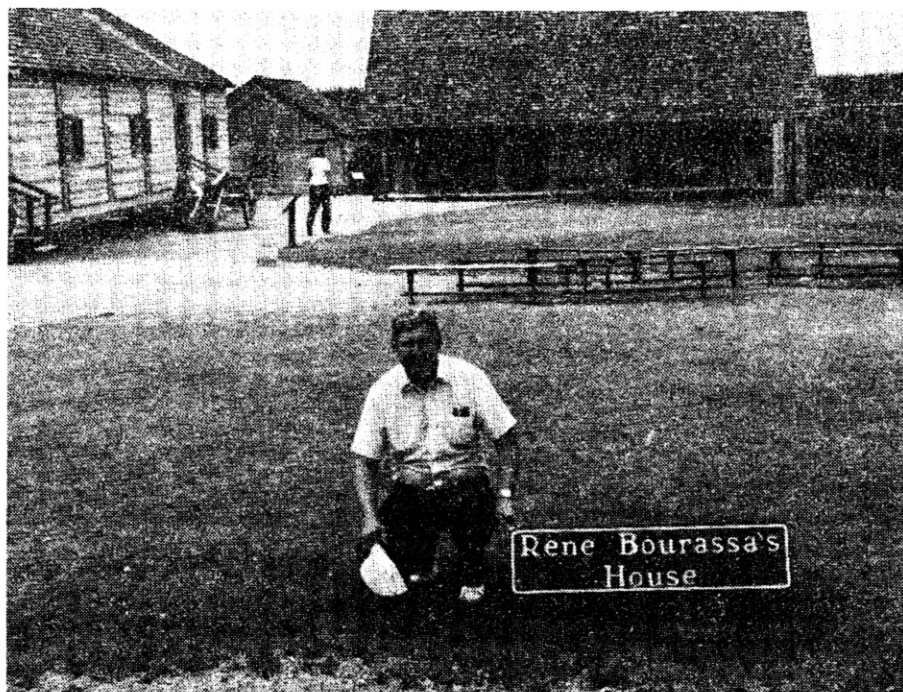
# TRIBAL TRACTS

Dear HowNiKan Editor,

Enclosed is a photo of the site where Rene Bourassa's home was located in Mackinac, Michigan. Rene Bourassa was the great-grandfather of Joseph N. Bourassa. The site of the home is inside Fort Michilimackinac, which is kept by the Michigan State Parks. The Fort also includes an old church that has been reconstructed and several grave sites for the Catholic cemetery. The records of the church include Rene's father who came from France about 1680-1700. Joseph N. Bourassa was also born in Mackinaw City (Mackinac) as were Daniel I and Daniel II, his grandfather and father.

The relatives of the Bourassa family should make a visit to the fort.

Hubert "Hurb" Adams  
Dearborn, Michigan



## Edmunds' bibliography released

Dr. David Edmunds' new book, "Kinsmen Through Time: An Annotated Bibliography of Potawatomi History," has been released by Scarecrow Press, Inc.

The book is an annotated bibliography of almost 1100 books, journal articles, pamphlets and other items and is the first extended bibliography focusing upon the tribe. It should prove to be an invaluable aid to historians and genealogists and contains an extensive index.

The 237 page book is available for \$25 from Scarecrow Press, P.O. Box 4167, Metuchen, New Jersey 08840. For further information call the Press at (201) 548-8600.

## November busy month for museum

The Potawatomi Museum hosted more than 150 visitors and five children's tours during the month of November.

According to museum curator B.J. Rowe, 119 Oklahomans, 10 Californians, five Texans, three Floridians, five Montanans, two Arizonans, three Kansans and

three Hoosiers visited the museum, as well individuals from Guatemala, West Germany, Illinois, Virginia, Missouri and Wisconsin.

The museum was also the site of a reception honoring Father Joe Murphy on November 6.



## Tribal health services outlined

Tribal Members, As a member of the Citizen Band Potawatomi Tribe you are part of a progressive and caring organization. Few of you, however, are probably aware of the Tribal Health Services Department and what it can do for you.

Our Health Services Department is composed of several federally funded programs: Community Health Representative Program (CHR); Indian Child Welfare; Title VI Elderly Nutrition and Substance Abuse Outpatient Program. All of our programs are restricted to our service area and population we must serve.

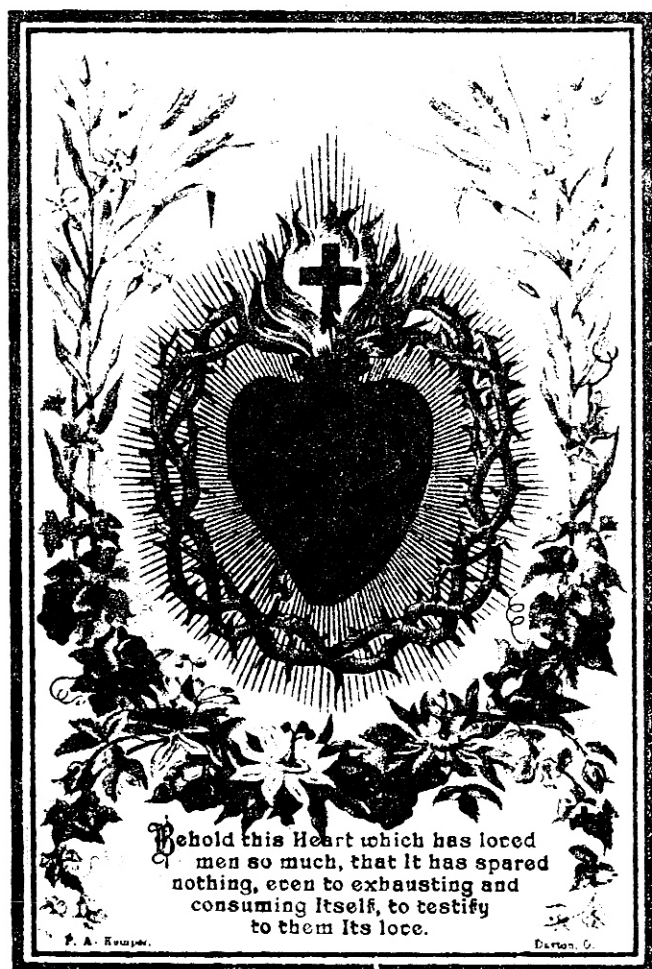
Our tribally funded programs are the Health Aides Foundation (prosthetics) and our soon to be operational pharmacy. These programs are exclusively for tribal members. To take advantage of these programs please write or call our office.

The Health Services Department can also serve as your medical referral and advice center. Our staff is capable of helping you find your nearest Indian Health Services facility, explore alternatives to medical procedures and answer questions about your medications. We would like you to consider us your medical advocates. All you have to do is pick up the phone or drop us a line at the tribal office.

We welcome your suggestions for topics to be explored in the HowNiKan.

Ken Cadaret, R.N.  
Health Services Director

## FROM THE ARCHIVES



Promissiones Domini Nostri Jesu Christi factae  
B. Marg. M. Alacoque.

### KAJE WAWITMOWA KPINEN JESOS KNIST

ketchtwa wentaksintchin Maknitin  
Mentyin Alacoque Waje Juwenmat niw wa tpat  
min tchin i Ketchtwa wentak tenak Oteu.

1. Nwi minak tehayek nune mintuwin wantu wentak tinuk waje pimat suwaknen.
2. Nwi ojiston mino juwin ji eta wat.
3. Nwi nta skuwak tehayek waje yakimit mowakwen mine waje wiu tawentum wakwen.
4. Nwi yaw Otupuktin jimow nuwa eye pimatse wat menuk tehe winbowat.
5. Nwi piket numwak mijej juwentaksionin jiw tehayek wanmu ninkie wakwen.
6. Patahtchuk okumika nawa jiw ntelk tehukmik ejenuk juwentolikewin.
7. Yaw unij sitchuk ewi wijken tehikewat kejitchekaswuk.
8. Wajiken tehike tehuk Kiyenip wusime kwiyuk kujuwepsik.
9. Nwi nune Kitanin niw wikwamen iw Ntel yawetch Kewin wache mitosap minak tehikatek ipl tatkatentehikatek.
10. Nwi minak mektekon yayuk bwakawin ewin il matnum wat wajkiyan kin oteen.
11. Kiw wa wijken tukuk ote ji numewin, Kuonipie Katene otinoswinwan Ntelg mine teho kukasijkejnisnine.
12. Kwa witmon tehe kin, epitch manek ji juwen tehikewin Ntelg, yukwan i mamwe mijkwusimkuk tipantiwin wi piketen tumak nawa kiw tehayek wajikumtehik eojke mikite kekijkukin ek mu kises, jakso kises, i neme mintuwin yaptche wijken tumwin, mine teho ambosik eye nijkatsiyan, mine epwa niije otit numwat neme mintunin, mine Ntel yaptche plktin jumonuwa kuyawinine, jiw mamwe jikweyak tipukas.

P. A. Kemper, Dayton, O. (N America)

Pottawatomie, Indian.





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## Tribe awarded substance abuse program grant

By Donnette Jardot  
Outpatient Worker

The Citizen Band Potawatomi Tribe has been awarded a \$24,855 grant to establish an alcohol and substance abuse program for Indians residing within the tribe's jurisdictional area.

Clients accepted into the program will be served by a Registered Nurse, an out-patient worker and a counselor who will help develop the client's treatment plan.

Clients and members of their family will be provided counseling and clients will be assisted within the framework of peer support groups.

The program offices will be housed in the tribe's Health Services Department. Office hours are 8 a.m. till 5 p.m. Monday through Friday. For an appointment, call 275-3121.

## Buffalo — good to eat & good for you!

Buffalo meat, the traditional food of many Plains Indian groups until the late 1800's, has fewer calories and less cholesterol than beef, says the Texas Agricultural Commissioner.

U.S. Department of Agriculture tests showed that buffalo meat has lower cholesterol than cod, tuna, beef and chicken, says Jim Hightower, who called a news conference at the Tigua Indian Reservation and presided over a "tasting session" of the meat.

Buffalo contains 49 calories per ounce, compared to 95 calories for beef.

"Many people have been reluctant to taste buffalo because the buffalo for many years has been an endangered species," said Larry Lee, one of the 12 producers of buffalo in Texas. "The buffalo are no longer on the endangered list. There are many ranchers in the Southwest who are producing buffalo and we expect that more will be getting interested as the word gets out that buffalo meat is

good."

Ary Ramirez, superintendent of the Tigua Indian Reservation, said the addition of buffalo to the tribe's restaurant is part of a program to offer Native American food.

"Buffalo was once the mainstay of the Indian's diet," said Ramirez. "It is natural meat without any chemicals added. There's no wonder why Indians were so healthy."

Buffalo herds, numbering in the millions once covered the Great Plains, providing the materials for many Indian cultures to thrive upon. The advent of transcontinental railroads led to full-scale slaughter of the animals by rail workers, fur traders and bone collectors. Buffalo Bill Cody gained his name from his wanton slaughter of the buffalo. President Ulysses S. Grant, and Generals Sheridan and Sherman engaged in the elimination of the buffalo to destroy the food source of the Indian nations the federal government was attempting to

herd on to reservations. The army slaughtered the animals and burnt the Plains in the scorched earth military tactics that reduced the numbers of buffalo to under 1,000 by the year 1900.

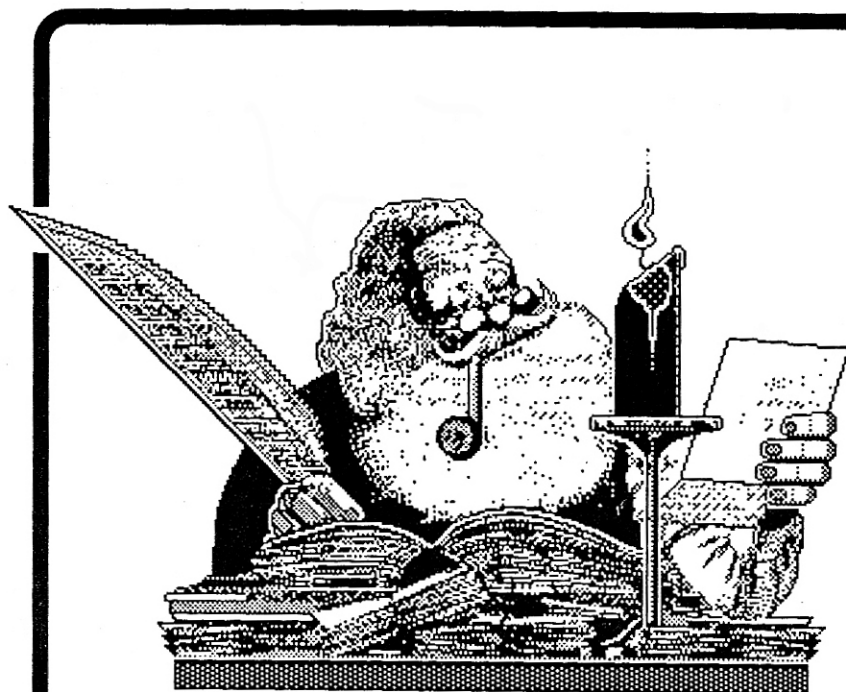
*Merry Christmas &  
Happy New Year  
to you and yours*

## Inspector's audit

(from page 1)

prosecutors for their leniency in her case.

According to Chairman John Barrett, the tribe will continue its own internal investigation. "The current administration," said Barrett, "ran for office on a platform of honesty in government. If someone is stealing from the tribe we intend to find out and, if the tribe has jurisdiction, prosecute them. If the I.G.'s office would share their findings with the tribe our job would be a whole lot easier. The tribe is under continual audit by the federal agencies who fund programs with us and every year the tribe is independently audited by a CPA firm. This year, because of campaign allegations, two audits of the tribal store were conducted. Neither produced any evidence of wrongdoing. We have turned over to the I.G. documentation concerning previous administrations as well as our own. Tribal members may rest assured we will do whatever it takes to find any thefts and take steps to prevent any in the future."



*A Very Merry  
Christmas To You  
And Yours From  
The Citizen Band  
Potawatomi  
Business  
Committee and  
Staff*